

# OVERCOMING US-DRPK HOSTILITY:

## The Missing Link Between a Northeast Asian Comprehensive Security Settlement and Ending the Korean War

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### Summary

This paper attempts to define what overcoming US hostility might mean in the context of a comprehensive security settlement in Northeast Asia. It does so in seven parts. The first part proposes that the DPRK has sought a relationship with the United States to offset neighboring great powers since the end of the Cold War. This geostrategic strategy intersected with but is not necessarily the same as reducing hostility in the relationship. The second part describes the various references in six milestone documents that the DPRK highlighted in a key Ministry of Foreign Affairs statement concerning US-DPRK hostility on March 31, 2012 and reviews whether these were in fact evidence of US (or DPRK) pursuit of non-hostility. It concludes that in the first phase (1993-2002), US-DPRK joint statements did not revolve around a search for non-hostility at all but instead reflected a North Korean attempt to reposition itself in the regional balance-of-power by changing its relationship with the United States; that in a second phase initiated by the Bush Administration in 2002, the DPRK placed a high priority on overcoming hostility but failed; and that since 2010, we have entered a third phase where the DPRK has substituted a nuclear force for a geo-strategic strategy and for overcoming hostility, an a-strategic posture that prefigures further confrontation. The third part reviews more concrete, derivative meanings that could guide future engagement from DPRK reference to “non-hostility” in various contexts over the last two decades with particular reference to what they mean by peace regime, peace treaty, and ending the Korean Armistice Agreement. The fourth part suggests where one might start to construct a comprehensive security

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<sup>1</sup> Thanks to reviewers Lee Sigal, Bob Carlin, and Roger Cavazos for comments. The author remains responsible for the text. He may be contacted at: [peter@nautilus.org](mailto:peter@nautilus.org)

settlement in this region, as it relates to the DPRK, especially the creation of a regional treaty framework. The fifth part outlines a set of initial steps that can be taken to reduce US-DPRK hostility to set the scene for a comprehensive security settlement (and even if it falls short of that goal, still results in less tension and risk of war). The sixth part relates the discussion of comprehensive security settlement and reduction of US-DPRK hostility back to the regional geostrategic situation as it bears on DPRK and American strategic thinking. It concludes that unless the leaders of both parties move toward a comprehensive strategy and look beyond narrow calculations of strategic options based only on a realist worldview, neither will be able to envision and take the steps necessary to start a peace process that ends bilateral hostility and creates comprehensive security in Korea and beyond, let alone reduces the threat of war, nuclear war, and further nuclear proliferation.

## I. INTRODUCTION

"Koreans have a saying: 'Sword to sword: rice cake to rice cake.'" It is time to throw away the sword and hold up the rice cake."

Thus explained Kim Yong Sun in a discussion of what the DPRK sought from the United States in Pyongyang in 1993.<sup>2</sup> At the time, he was head of the International Affairs Department of the Korean Workers' Party, and a key player in the North Korean nuclear strategy. Continued Kim:

The history of nations, as I have told you before, one of making friends which later become hostile. Now is the time for the US to make a change in our direction. Regardless of the political system and ideas in the US, the latter doesn't matter in relations between countries. Perhaps I am too optimistic, that if we deal with these issues in a positive way, that one day our relations with the US will be even better than it has with Britain or France. But it is very important that the US should start to trust us. If they can trust Britain and France, why not North Korea. Perhaps the first and foremost way to establish trust and to ease distrust would be a dialogue.

Kim was the first North Korean official to meet with a senior American official (then Under Secretary of State Arnold Kanter) since the Korean War, in 1992 in New York. Kanter was very skeptical of Kim's overture to establish better relations between the DPRK and characterized his attempts to align with the United States and even agree to US forces remaining in the DPRK as a buttress against Japanese militarism as "less here than meets the eye."<sup>3</sup>

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<sup>2</sup> In P. Hayes, "Report On Trip To Pyongyang, May 8-11, 1993," Nautilus Institute, Berkeley.

<sup>3</sup> "My vague, repeat vague, recollection is that Kim [Yong Sun] told me something like it would be or might be possible for there to be a US military presence on the Korean peninsula post-unification. I don't think that he elaborated on that concept and I don't think that I undertook to probe it. At the time, and now, it struck me that this comment was made in the context of (a) Kim doing everything possible to get me to have a second meeting with him, preferably in Pyongyang, and (b) something of a tirade by him about "Japanese imperialism," and the need for the US and North Korea to cooperate to deal with the Japanese "threat;" Given this context, and US objectives for the meeting, I did not pursue the point with him. If I am not mistaken, Kim Jong-il did not reiterate this "offer" in his summit meeting with Kim Dae-jung. Rather, in his meeting with KDJ, he "recalled" what Kim Yong Sun had said to me in 1992. This is one more reason why there may have been less here than meets the eye." Arnold Kanter, personal communication, September 28, 2005.

However, this wasn't a line that was idiosyncratic to Kim Yong Sun. As Bob Carlin, the fly on the wall in many of the high-level US-DPRK meetings from 1993 onwards, and John Lewis, one of the few Americans with good working relations with the DPRK, explained in 2007, the DPRK's "desire for a long-term, strategic relationship with the United States has nothing to do with ideology or political philosophy." Rather, they assert, "It is a cold, hard calculation based on history and the realities of geopolitics as perceived in Pyongyang. The North Koreans believe in their gut that they must buffer the heavy influence their neighbors already have, or could soon gain, over their small, weak country."<sup>4</sup>

Kim wasn't shy about spelling out what he meant:

About political and economic relations between the DPRK and the US: it is time that the US should not only discuss the nuclear issue but also improving relations. The cold war is over; as in other regions, so also in the Asia Pacific region, there is a restructuring of forces. During the cold war, the US was able to keep alliances based on the cold war context. But the US should think whether this allied structure will continue forever, or if it will change. In Asia, Japan wants to find its own way. Even in South Korea, South Korea has raised this issue in their own way; although they are faithful to the US, they have had increasing arguments over several issues. There are several other countries on the lookout for their own interests. There's a need to carefully analyse what I said. I think that it is necessary to re-examine whether several parties will remain as they have in the past. For example, South Korea began a northern policy which was opposed by the US. But the result is that South Korea is no longer a baby held in the embrace of the US; and the other result is growing anti US sentiment in South Korea. Is it in the interest of the US to keep supporting South Korea in such a situation? And Japan is accustomed to making profit with the help of other big countries. As they were a defeated country from World War II, they got a lot of help from the US. Japan is economically and militarily trying to become a great power. It is in the interest of the US to examine such changes in power relations. The relations between countries change with changes in the structure of the situation. There are no forever enemies and no forever friends.<sup>5</sup>

Making peace in this view is a zero sum, strictly symmetrical game. Give way in the slightest, and the great power will always take more. Survival for small powers rests on strict adherence to the realist principle, as truncated from Lord Palmerston's elegant original phrasing by Kim Yong Sun into "No forever enemies, no forever friends." This North Korean view in fact is Korean, with deep historical roots. Koreans have long viewed themselves as a small, relatively weak power surrounded by great powers and as a result, believe that they must engage in the never-ending search for an evolving balance-of-power that provides a measure of security. In this view, the brutal logic of imbalanced great power is such that friendly relationships with small powers are often sacrificed to re-equilibrate the balance, especially via war. In a realist worldview, the hostility or otherwise of states is epiphenomenal. What counts, as Stalin famously said of the Pope, is how many divisions one has. Or, as one North Korean analyst wrote, "History shows that the interests of small

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<sup>4</sup> R. Carlin, J. Lewis, *Negotiating with North Korea: 1992–2007*, Center for International Security and Cooperation, Stanford University, January 2008, p. 21, at:

[http://iis-db.stanford.edu/pubs/22128/Negotiating\\_with\\_North\\_Korea\\_1992-2007.pdf](http://iis-db.stanford.edu/pubs/22128/Negotiating_with_North_Korea_1992-2007.pdf)

<sup>5</sup> In Hayes, "Report On Trip," 1993, *op cit*, p. 7.

countries are infringed upon and that they fall victim whenever world powers struggle to extend their spheres of influence.”

It is not surprising given the DPRK’s structural location and circumstances at the end of the Cold War that it would seek to change US policy. Assuredly aligning the DPRK with an over-the-horizon, distant great power such as the United States would be preferable to dependency on one next door, especially a great power that exercised suzerainty over Korea in the past (China) or worse still, occupied Korea as an imperial, colonizing power (Japan).

I will not describe here the painful history of US-DPRK relations in the subsequent two decades from when I first went to the DPRK in 1991. Suffice it to say that both parties sought not so much to deter each other from renewal of war in Korea, for which purpose conventional military forces on both sides of the DMZ more than sufficed. Rather, each sought to compel the other to change its strategies and policies in fundamental ways.<sup>6</sup> Unsurprisingly, both sides failed. Extortion based on threat almost always leads to bad outcomes. When two sides use threat to coerce the other side into compliance, failure is almost guaranteed.

Instead, what I want to do here is outline what the DPRK has meant when it refers to “ending US hostility.” Another paper is needed to outline what the United States might mean by “ending DPRK hostility.” The overlap in these meanings would constitute the basis for a US-DPRK oriented “non-hostility agreement” element of a regional comprehensive security settlement framework. Like the North Korean meaning, the American meaning has expanded and contracted at different times. For example, in the September 19, 2005 talks, Chris Hill explained that US-DPRK normalization required the DPRK to solve the nuclear, missile, chemical weapons issues; reduce conventional military forces; and address human rights issues.<sup>7</sup> Since then, US officials have added other issues such as drug smuggling, counterfeiting, treatment of refugees etc.

But in this paper, I will try to clarify what the DPRK might demand in relation to the US-DPRK aspect of a non-hostility commitment embedded in a regional comprehensive security settlement, possibly as part of a Treaty of Amity and Cooperation. Of course, other hostile relationships in Northeast Asia, for example, the relationships between Japan and its neighbors, may demand separate treatment in a regional comprehensive security settlement; but the requirements of these relationships will not be covered herein.

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<sup>6</sup> J. Wit, D. Poneman, R. Galluci, *The First North Korean Nuclear Crisis, Going Critical*, Brookings Institution, Washington DC, 2004; Patrick Morgan notes that US and the DPRK used nuclear threat primarily for compellence in the 1991-2002 time frame in “Deterrence and System Management: The Case of North Korea,” *Conflict Management and Peace Science* 2006; 23; 121-138. The DPRK’s nuclear threats from 2008 onwards have been primarily compellent in nature, not deterrent, as documented in the following studies: P. Hayes, S. Bruce, “North Korean Nuclear Nationalism and the Threat of Nuclear War in Korea,” *Pacific Focus*, 26, 2011, pp. 65–89, at: <http://onlinelibrary.wiley.com/doi/10.1111/j.1976-5118.2011.01056.x/abstract> and P. Hayes, R. Cavazos, “North Korean and US Nuclear Threats: Discerning Signals from Noise,” *The Asia-Pacific Journal*, 11:14:2, April 8, 2013, at: <http://japanfocus.org/-Roger-Cavazos/3924#>

<sup>7</sup> As noted in R. Carlin, J. Lewis, *Negotiating with North Korea: 1992–2007*, Center for International Security and Cooperation, Stanford University, January 2008, p. 17, at: [http://iis-db.stanford.edu/pubs/22128/Negotiating\\_with\\_North\\_Korea\\_1992-2007.pdf](http://iis-db.stanford.edu/pubs/22128/Negotiating_with_North_Korea_1992-2007.pdf)

## 2. WHAT DOES ENDING US HOSTILITY MEAN TO THE DPRK?

The meaning of this simple phrase is not easy to pin down—not least because it has primarily had a tactical meaning that is context-dependent. Nonetheless, it has figured prominently in various milestone agreements. In an important DPRK Ministry of Foreign Affairs statement “DPRK Terms U.S. Hostile Policy Main Obstacle in Resolving Nuclear Issue,” issued on August 31, 2012 (hereafter MOFA 2012 Statement), it spelled out no less than nine distinct elements or meanings of this phrase (the full KCNA English text is in Attachment I; these meanings are spelled out in section 3 of this essay).

At the symbolic level of “words for words,” this statement highlighted six milestone declarations with reference to “US hostile policy.” These are:

- DPRK-U.S. Joint Statement, June 11, 1993
- DPRK-U.S. Agreed Framework, October 21, 1994
- DPRK-U.S. Joint Communiqué, October 12, 2000
- Joint Statement of the Six-Party Talks, September 19, 2005
- Six-Party Talks Agreements, February 13 and October 3, 2007
- Feb 29, 2012 Leap Year statement

The MOFA 2012 Statement emphasizes that from the DPRK perspective, US hostility is the *main obstacle* to solving the nuclear issue, but also predates the latter and is itself the *root cause* of nuclear issue. Therefore, it behooves us to examine how DPRK formulated the term hostility in these statements that it signed at very distant different times with different geo-strategic contexts.<sup>8</sup>

### *DPRK-U.S. Joint Statement, June 11, 1993*

Although referred to in the MOFA 2012 Statement (“At the beginning of DPRK-U.S. bilateral talks held during the Clinton administration, the U.S. pledged on “assurances against the threat and use of force, including nuclear weapons.”), this 1993 text did not use the phrase hostility or non-hostility at all.

It *did* refer to discussions “with a view to a fundamental solution of the nuclear issue on the Korean Peninsula” which was code for addressing DPRK security concerns (it also referred to a narrower frame of reference, “nuclear nonproliferation goals,” which was code for primarily US security concerns).<sup>9</sup>

Arguable, derivative elements of non-hostility were referred to, viz:

- assurances against the threat and use of force, including nuclear weapons;
- peace and security in a nuclear-free Korean Peninsula, including impartial application of full-scope safe-guards, mutual respect for each other’s sovereignty, and non-interference in each other’s internal affairs; and support for the peaceful reunification of Korea.

Are these texts evidence that non-hostility was an issue for either side in the June 1993 statement?

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<sup>8</sup> These texts are conveniently appended in Appendix B to Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, pp. 26 *et passim*. All passages cited subsequently may be found in this reference.

<sup>9</sup> Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 27.

In fact, the June 1993 statement was drafted by the American side over a few hours after side talks involving an American and North Korean official. During the talks, the North Korean negotiator Kang Sok Ju proposed that if the United States were to stop threatening North Korea, then the DPRK would commit itself to never make nuclear weapons, and later in the discussions, if the United States agreed to “not strangle” the DPRK or pose nuclear threat, then DPRK would pledge to never make nuclear weapons but instead of returning to the Non Proliferation Treaty, would implement the dormant Korean Denuclearization Declaration which would form basis for a regional NWFZ, and thereby curb Japan’s nuclear weapons acquisition.

To the American side, the main purpose of the 1993 joint statement was to get the DPRK to suspend its NPT withdrawal. The rest of the text was taken from previous statements or agreements that the United States had signed onto already. The primary North Korean objective was to get a joint statement, which Kim Yong Sun had failed to obtain eighteen months earlier from his meeting with Arnold Kanter.<sup>10</sup> Indeed, the American side speculated that the whole exercise may have been a way for Kim Yong Sun to recover from this failure and be appointed special envoy to the United States.<sup>11</sup>

Thus, there appears to be little basis to the MOFA 2012 Statement that the June 1993 Joint Statement was an important milestone in a US commitment to “non-hostility.”

#### *DPRK-U.S. Agreed Framework, October 21, 1994*

The DPRK MOFA 2012 Statement cited only from this 1994 agreement that the “U.S. agreed to “move towards full normalization of the political and economic relations” with the DPRK.” However, the full text reveals a broader scope of meaning at that time.

“Full normalization of the political and economic relations” was actually the title of part II of the statement.<sup>12</sup> This section spelled it out to mean reduction in trade and investment barriers including on telecommunication services and financial transactions (both of which were unilaterally sanctioned at the time by the United States so that, for example, one could not call by telephone to Pyongyang from the United States. This section also called on each side to open a liaison office in each other’s capital after resolving consular and other issues (the DPRK later backed off this element); and “as progress is made on issues of concern to each side, the DPRK and the United States were to upgrade bilateral relations to ambassadorial level.

At the time, the DPRK also signed onto section III, a set of joint measures whereby “Both sides will work together for peace and security on a nuclear-free Korean Peninsula.” These included a formal US assurance that it would not use or threaten to use nuclear weapons against the DPRK; the DPRK would take consistent steps to implement the inter-Korean Joint Declaration on the DeNuclearization of the Korean Peninsula; and the DPRK will engage in north-south dialogue.

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<sup>10</sup> Bob Carlin, personal communication, August 31, 2014

<sup>11</sup> J. Wit, D. Poneman, R. Galluci, *The First North Korean Nuclear Crisis, op cit*, 2004, p. 64.

<sup>12</sup> Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, pp. 28-29.

The last element was a bone thrown to Seoul at the time by Washington. Section IV dealt with non-proliferation steps taken to “strengthen the international nuclear non-proliferation regime,” a primarily American agenda.

In many respects, the Agreed Framework text was symbolic, and unlike the June 1993 Joint Statement, in this case, words matter. Thus, enormous effort was expended by both sides over many sessions to produce acceptable text, although most of the political questions were worded vaguely or were left largely unspecified.<sup>13</sup> The concrete commitments and trade-offs, in contrast, were relegated to a Confidential Minute at Kang Sok Ju’s insistence, where the DPRK’s sensitive concessions—especially the commitment to IAEA special inspections, including outside of the Yongbyon site, once a “significant portion” of the two light water reactors were complete—were specified with precision. The latter formulation was a critically important compromise that entailed the American side accepting a delay in special inspections and the North Korean side accepting special inspections at all (see Attachment 4).

By late 1994, therefore, the DPRK had signed onto an expansive notion of what it would take to restructure the US-DPRK relationship in ways that would ease its geostrategic isolation, including diplomatic normalization that implies cessation of hostilities; but the Agreed Framework did not specifically address the question of ending hostility. In between the June 1993 and the October 1994 agreements, rivers of hostility had run under these bridges—including North Korean threats to reduce Seoul to a “sea of fire,” and the May-June 1994 crisis arising from the DPRK’s withdrawal of fuel rods from the Yongbyon reactor, eviction of IAEA inspectors, the free fall toward war in June, and Jimmy Carter’s meeting with Kim Il Sung in July, all of which bespoke of extraordinary hostility and use of nuclear and military leverage, not actions designed to build trust and friendship to replace hostility.

Thus, rather than seeking “non-hostility” as a strategic goal in the 1993-2000 period as asserted by the MOFA 2012 Statement, the DPRK tried to engage the United States from 1991 onwards in a strategic realignment as a hedge against great power threats in the immediate neighborhood. Arguably, this strategic roadmap underlay the DPRK’s tactical moves until the Bush Administration revealed unremitting hostility towards its existence in 2002 onwards.

The MOFA 2012 Statement lumps together these earlier statements which are more accurately termed “tactical non-hostility” demands issued in the course of its small power strategic maneuvering, with later statements. Where it did come up, the meaning of this phrase changed from one context to another, but always revolved around Kim Jong Il’s belief, noted in the MOFA 2012 Statement:

The great leader Comrade Kim Jong Il said on August 4, 1997 that we did not intend to regard the U.S. as the sworn enemy but wished for the normalization of the DPRK-U.S. relations.

As Bob Carlin noted of that period, “The real imperative was getting traction with Washington, and that could be accomplished almost without reference to the issue of “hostility” except in the most airy, rhetorical sense. That’s one reason we heard almost nothing about replacing the armistice during the core negotiations in those years.”<sup>14</sup> It also explains why DPRK officials were mightily impressed with former

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<sup>13</sup> Bob Carlin, personal communication, August 31, 2014. See also J. Wit, D. Poneman, R. Galluci, *The First North Korean Nuclear Crisis*, *op cit*, 2004, pp. 162-330.

<sup>14</sup> Bob Carlin, personal communication, August 31, 2014

US Defense Secretary's Korea policy review for President Clinton wherein he concluded that the United States must "deal with the North Korean government as it is, not as we might wish it to be."<sup>15</sup>

### *DPRK-U.S. Joint Communiqué, October 12, 2000*

The DPRK-U.S. Joint Communiqué October 12, 2000 was drafted by the US side and the subject of preparatory talks in March, August and October 2000. It had in fact been in play since late 1999 and tweaked at various talks in New York, with final edits made in Washington at the last moment on the occasion of Marshal Jo Myong Rok of the Korean People's Army visit to Washington DC and meeting with President Bill Clinton.<sup>16</sup> The Communiqué<sup>17</sup> explicitly included non-hostility:

Recognizing that improving ties is a natural goal in relations among states and that better relations would benefit both nations in the 21st century while helping ensure peace and security on the Korean Peninsula and in the Asia-Pacific region, the U.S. and the DPRK sides stated that they are prepared to undertake a new direction in their relations. As a crucial first step, the two sides stated that neither government would have hostile intent toward the other and confirmed the commitment of both governments to make every effort in the future to build a new relationship free from past enmity.

It also reaffirmed the same two earlier milestone documents referred to in the MOFA 2012 Statement:

Building on the principles laid out in the June 11, 1993, U.S.–DPRK Joint Statement and reaffirmed in the October 21, 1994, Agreed Framework, the two sides agreed to work to remove mistrust, build mutual confidence, and maintain an atmosphere in which they can deal constructively with issues of central concern. In this regard, the two sides reaffirmed that their relations should be based on the principles of respect for each other's sovereignty and non-interference in each other's internal affairs, and noted the value of regular diplomatic contacts, bilaterally and in broader fora.

The Joint Communiqué was preceded and supplemented by a little known October 6, 2000 Joint U.S.-DPRK Statement on International Terrorism intended to lay the groundwork for removing the DPRK from the US list of states supporting terrorism. This was the first such agreement that lent real content to the notion of a security relationship based on communication and coordination that creates new value by virtue of cooperation.<sup>18</sup>

However, far from revealing a DPRK focused on ending hostility, as suggested by Mike Chinoy,<sup>19</sup> it was actually the US side who included the non-hostile intent language in the draft Communiqué from the outset. Jo's primary point, contained in a letter from Kim Jong Il to Clinton, was that the DPRK was

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<sup>15</sup> *Review of United States Policy Toward North Korea: Findings and Recommendations; Unclassified Report by Dr. William J. Perry, U.S. North Korea Policy Coordinator and Special Advisor to the President and the Secretary of State*, Washington, DC, October 12, 1999, in Carlin and Lewis, "Texts of Major Documents," 2007, *op cit*, p. 33.

<sup>16</sup> Robert Carlin, personal communication, August 20, 2014.

<sup>17</sup> Carlin and Lewis, "Texts of Major Documents," 2007, *op cit*, p. 43.

<sup>18</sup> Carlin and Lewis, "Texts of Major Documents," 2007, *op cit*, p. 43.

<sup>19</sup> M. Chinoy, "No Hostile Intent: A Look Back at Kim Jong Il's Dramatic Overture to the Clinton Administration," *38North*, November 11, 2010, at: [http://38north.org/2010/11/jomyongrok\\_chinoy/](http://38north.org/2010/11/jomyongrok_chinoy/)



willing to trade its nuclear and missile capabilities for a breakthrough in relations that would lead to normalization of relations and a re-ordering of strategic relationships. These points were then reinforced by US Secretary of State Madeleine Allbright's visit to Pyongyang in November 2001 and dialogue with Kim Jong Il on ending missile tests, increasing transparency on nuclear sites, and normalizing relations.

Unfortunately, the four years of missile moratorium talks and the inclusion in the Joint Communique of reference to transparency and access, thereby laying the groundwork for resolving the uranium enrichment issue by reasserting the significance of the special inspections provision of the Confidential Minute to the 1994 Agreed Framework and the Kumchang-ri access to American officials in 1999 to allay suspicions of a clandestine reactor site, hung on the fate of the chads of Florida and were consigned quickly to the dustbin by the incoming Bush Administration.

### *Joint Statement of the Six-Party Talks, September 19, 2005*

After years of malign strategic neglect in the Bush Administration, the collapse of KEDO, the 2002 confrontation between James Kelly and the North Koreans in Pyongyang over uranium enrichment, and other highly confrontational events, the Six Party Talks issued a Joint Statement on September 19, 2005.<sup>20</sup>

When the Bush Administration took office, the DPRK continued to probe whether the Joint Communique was still a binding commitment and led to the DPRK adopting “non-hostility” as one of their chief demands—precisely because they sensed the deep and fundamental antipathy to the core values of their political and social system by American leaders. This trend culminated in one exchange at Round Two of the Six Party Talks in 2004 when the DPRK Chief delegate Kim Kye Gwan asked US lead negotiator James Kelly if the United States would give up its hostile policy towards the DPRK if the DPRK accepted the US formula of complete, verifiable, and irreversible dismantlement (CVID) of nuclear weapons. When Kelly gave no clear response, Kim declared that CVID is “a humiliation to the DPRK. We won’t accept this at all.”<sup>21</sup>

The DPRK MOFA 2012 Statement highlights that the 2005 Joint Statement affirmed that the United States has “no intention to attack or invade the DPRK with nuclear or conventional weapons.” (It also affirmed “that it has no nuclear weapons on the Korean Peninsula” in the same sentence—a unique instance of the United States not adhering to its neither-confirm-nor-deny policy on the absence or presence of nuclear weapons).

A propos the earlier language, the DPRK and the United States also “undertook to respect each other’s sovereignty, exist peacefully together, and take steps to normalize their relations subject to their respective bilateral policies”—without reference to hostile or no-hostile intent *per se*.

The “directly related parties” (that is, some subset of the signatories to the Korean Armistice plus the ROK) also undertook to “negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.” All six parties also “agreed to explore ways and means for promoting security

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<sup>20</sup> Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 47.

<sup>21</sup> Quoted in Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 18.

cooperation in Northeast Asia”—in reality, the necessary institutional framework to realize a major change in the hostile US-DPRK relationship envisioned by the DPRK at the outset of its nuclear breakout.

Importantly, the parties also agreed to “take coordinated steps to implement the aforementioned consensus in a phased manner in line with the principle of “commitment for commitment, action for action”—an approach disavowed in the MOFA 2012 Statement as having failed fundamentally.

Until the September 19 2005 Joint Statement, the Bush Administration refused to reiterate the Joint Communique language relating to mutual non-hostility. Unlike the 2000 Joint Communique, the September 19 2005 Joint Statement was drafted mostly by Chinese and due to the irreconcilable US and DPRK positions, was reduced to striving for agreement on principles, not actions. The US lead envoy Christopher Hill immediately effectively reneged on any US commitment in his statement read at the end of the meeting, and the US Treasury’s attack on the DPRK’s financial networks via the Banco Delto Asia the next day reinforced the clear American intention to remain highly hostile towards the DPRK.

The following years spiraled downwards towards a decision by the DPRK in 2010 to commit irrevocably to a go-at-alone reliance on nuclear weapons to substitute for realigning the strategic relationships between the DPRK and the great powers, starting with their nuclear test in October 2006. Thus, the first phase of the DPRK’s nuclear strategy ended in failure and they embarked on a second phase, based on actual as against threatened nuclear proliferation, and aimed at first on overcoming US hostility, then simply blocking it.

### *Six-Party Talks Agreements, February 13 and October 3, 2007*

The MOFA 2012 Statement also cited the February 13 and October 3, 2007 Six Party Talks Agreements as committing the United States to improve relations with the DPRK and move toward full diplomatic relations.<sup>22</sup> Not mentioned was that the United States was also to start removing the DPRK as a designated state-sponsor of terrorism and start terminating application of the Trading with the Enemy Act in relation to the DPRK. The latter in particular was an action aimed at realizing “no hostile intent” from the DPRK perspective. The six parties also reaffirmed that they will take positive steps to increase mutual trust, and will make joint efforts for lasting peace and stability in Northeast Asia” and the “directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum,” both long-standing DPRK objectives in relation to ending US hostility towards the DPRK.

### *February 29, 2012 Leap Year statement*

This agreement does not have a signed joint text and fell apart almost as soon as it reportedly was struck in Beijing on February 29, 2012. The US and DPRK understandings in Beijing had enough overlap for each party to apparently believe that the other understood what was and was not included.

The United States published an official release on the February 23-24 2012 talks (see Attachment 2) summarizing its view of the key talking points. This list included not only the steps to be taken with regard to nuclear and missile activities in the DPRK, but also headlined the issue of no-hostile intent while

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<sup>22</sup> Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 48.

referring back to the September 19, 2005 Joint Statement and underscored the importance of the 1953 Armistice Agreement “as the cornerstone of peace and stability on the Korean Peninsula.

For the first time in a bilateral statement since the 2000 Communiqué, the United States added a positive note with somewhat tortuous language, stating that sufficient mutual respect and equality exists in the bilateral relationship for the United States to be “prepared to take steps” to improve the bilateral relationship:

- The United States reaffirms that it does not have hostile intent toward the DPRK and is prepared to take steps to improve our bilateral relationship in the spirit of mutual respect for sovereignty and equality.
- The United States reaffirms its commitment to the September 19, 2005 Joint Statement.
- The United States recognizes the 1953 Armistice Agreement as the cornerstone of peace and stability on the Korean Peninsula.

In contrast, the DPRK announcement (see Attachment 3) cites the Six Party Talks September 19, 2005 Joint Statement as well as the Armistice and the conclusion of a Peace Treaty; and explicitly refers to non-hostility as a key element of the February 29, 2012 statement:

The U.S. reaffirmed that it no longer has hostile intent toward the DPRK and that it is prepared to take steps to improve the bilateral relations in the spirit of mutual respect for sovereignty and equality.

The DPRK text mentions the non-proliferation points almost as an afterthought, included at the United States’ request, showing the magnanimity of the DPRK in agreeing to include them.

However, given the opacity of the negotiating record of this agreement and the lack of a joint text, there is no way to ascertain the extent to which this agreement embodied the pursuit of non-hostility by either the DPRK or the United States. The subsequent acrimony suggests that whatever actual shared understanding existed at the face-face meeting was based on misunderstanding, bad faith, or both, and does not demonstrate or controvert the MOFA 2012 Statement that the United States committed to non-hostility in this agreement.

Therefore, what is interesting about the MOFA 2012 Statement is that the North Koreans chose to include it, irrespective of the historical basis for its importance. In fact, it is necessary to now examine the MOFA 2012 Statement itself, which is also contextually bound and part of the constantly evolving DPRK intended meaning of the phrase “non-hostility.”

### **Re-Reading the MOFA 2012 Statement**

By 2010, it was clear that the DPRK was revising its fundamental strategy for dealing with the great powers, especially the United States. Thus, after a lull in projection of nuclear threat by the DPRK for most of 2008, in 2009 the DPRK Ministry of Foreign Affairs declared flatly: “It is the reality on the Korean Peninsula that we can live without normalizing the relations with the U.S. but not without nuclear

deterrent.”<sup>23</sup> To ensure that everyone understood the significance of this reversal of past strategy, the DPRK explained that: “Though [sic; even if] the bilateral relations are normalized in a diplomatic manner, the DPRK's status as a nuclear weapons state will remain unchanged as long as it is exposed even to the slightest U.S. nuclear threat.” This signaled an end to the primary target of DPRK nuclear coercive strategy for the entire period from 1989-2008, wherein the DPRK attempted to compel the United States to change its policy towards the DPRK as a geostrategic hedge against Chinese, Japanese and Russian great power. It was followed by a hurricane of opportunistic nuclear and conventional threat from the DPRK towards the ROK and the United States, including the 2010 covert attack that sank the ROK warship *Cheonan*, the 2010 shelling of the ROK Yeonpyeong island, the 2009 and 2012 long-range rocket launches, the 2009 second and 2013 third nuclear tests, and an extraordinary March-May 2013 nuclear threat campaign.

In 2012, North Korean officials stated privately that they were reviewing their policy toward the United States and that if the US hostility did not change, they would commit to nuclear self-reliance instead. In effect, the MOFA 2012 Statement in August was the result of this review which took until 2013 to come fully into effect. It was also a response to US insistence that the DPRK must take unilateral pre-steps before the United States would resume talks whereas the DPRK viewed the failure of the February 29 2012 agreement as clear evidence that simultaneity did not work and therefore, the United States must first end its hostility towards the DPRK.

At the height of the March nuclear confrontation in Korea, the DPRK National Defense Commission statement explained that the DPRK's nuclear capacities were no longer available as part of a tradeoff with the United States to change the DPRK's geostrategic circumstances:

The nuclear force of the DPRK will always remain in the hands of its army and people as the most powerful means to protect the sovereignty of the country and its supreme interests and deal a retaliatory blow at the strongholds of aggression against it till the world including the U.S. is denuclearized.<sup>24</sup>

As the March-April confrontation wound down, the DPRK National Defence Commission reiterated this stance on June 6, 2013:<sup>25</sup>

The denuclearization of the Korean Peninsula does not only mean "dismantling the nuclear weapons of the north". It is the complete one that calls for denuclearizing the whole peninsula including south Korea and aims at totally ending the U.S. nuclear threats to the DPRK.

As for the possession of nuclear weapons by the DPRK, it is the strategic option taken by the

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<sup>23</sup> KCNA, “DPRK Foreign Ministry's Spokesman Dismisses U.S. Wrong Assertion,” January 17, 2009, at: <http://www.kcna.co.jp/item/2009/200901/news17/20090117-11ee.html> See P. Hayes, S. Bruce, “North Korean Nuclear Nationalism and the Threat of Nuclear War in Korea”, NAPSNet Policy Forum, April 21, 2011, at:

<http://nautilus.org/napsnet/napsnet-policy-forum/11-09-hayes-bruce/>

<sup>24</sup> KCNA, “PRK NDC Policy Department Issues Statement,” April 18, 2013, at:

<http://www.kcna.co.jp/item/2013/201304/news18/20130418-28ee.html>

<sup>25</sup> KCNA, “DPRK Proposes Official Talks with U.S.,” June 16, 2013, at:

<http://kcna.co.jp/item/2013/201306/news16/20130616-12ee.html>

DPRK for self-defence to denuclearize the Korean Peninsula.

The legitimate status of the DPRK as a nuclear weapons state will go on and on without vacillation whether others recognize it or not until the whole Korean Peninsula is denuclearized and the nuclear threats from outside are put to a final end.

It followed with proposals for “broad and in-depth discussions on defusing military tensions, replacing the armistice system with peace mechanism and other issues of mutual concern including the building of a "world without nuclear weapons" proposed by the U.S.” Here, there is no mention of non-hostility or building a US-DPRK constructive relationship. Hints in this and subsequent DPRK statements that reiterate a desire to engage with the United States to end nuclear threat and its current (August-September 2014) diplomatic campaign to resume talks without preconditions appear to be more tactical than strategic in nature, and aimed as much at China as at the United States.

In short, by the end of phase 2, the DPRK has abandoned the goal of overcoming US hostility as a hopeless cause. Rather than revert to the phase I (1991-2002) goal of realizing a new geo-strategic relationships with the United States, the DPRK has settled on a new course of self-reliance based on the combination of nuclear and conventional military threat, and a renewed focus on domestic economic recovery. Given the effective impossibility of achieving simultaneous modernization of conventional and deployment of nuclear forces with the investment, financing and trading imperatives of economic recovery, the ability of the DPRK to sustain nuclear threat as a substitute for a geostrategic strategy or for overcoming US hostility is dubious, to say the least. Thus, one might reasonably anticipate that phase 3 will be characterized by vacillation, erratic and apparently inconsistent actions, and constant shifts in posture and policy, which will prove to be a poor substitute for strategic maneuvering tried in phase I, or full-fledged attempt to engage the United States attempted in phase 2.

Thus, it remains unclear in this third phase what the DPRK might mean with reference to realizing non-hostility. Before tackling this task, we will first review the range of possible process and content that might be viewed in Pyongyang as contributing to a “non-hostile” relationship in the context of comprehensive security.

At the most fundamental level, a non-hostile relationship would be built on productive, sincere, and “authentic” dialogue between US and North Korean interlocutors; it would be created by the United States and the DPRK taking defined, sequential, and inter-dependent (mutually contingent in some manner) steps aimed at improving confidence, and leading to concrete actions that end hostility in its current forms and establish foundations for dialogue, confidence building, trust formation, and ever growing communication, coordination, and collaboration on security concerns. The DPRK has articulated at least fourteen themes over two decades as deserving of leadership-level symbolic commitment, dialogue with the United States, and actions by DPRK agencies of state. These represent a precedent-based repertoire for lending content to talks on a new geo-strategic approach, this time focused not on a new geostrategic relationship or overcoming hostility, but on establishing the foundations of comprehensive security in Northeast Asia, including the DPRK. These are:

- Normalization of political, diplomatic, and economic relations in the region
- Ending the Korean armistice

- Realizing a peace treaty between the parties to the Korean war
- Creating a permanent peace regime on the Korean peninsula
- Support for the peaceful reunification of Korea
- Joint efforts for lasting peace and stability in Northeast Asia
- Removal of the DPRK from US list of states that sponsor terrorism and resulting sanctions, or advancing towards such removal (today, follow-on related items under US and international law)
- US commitment to not use or threaten to use nuclear (and conventional) weapons against the DPRK
- Support for DPRK space access and launch services
- Mutual respect for the sovereignty and non-interference in internal political and other affairs
- Cooperation on shared insecurity such as the risk of terrorism
- Removal of US and since 2006, multilateral “US-led” sanctions against the DPRK, both those aimed at de-legitimizing the DPRK leadership (ban on provision of luxury goods to the DPRK), as well as sanctions on dual use WMD related items and on named North Korean individuals and firms.
- Provision of food and energy aid on a humanitarian basis by the United States or other parties; and DPRK humanitarian steps such as enabling US Missing-in-Action Joint Recovery Teams to operate in the DPRK from 1996 to 2005, and release of arrested Americans in the DPRK.
- Reduction of exercises near or in the Korean Peninsula involving the US and its allies

Until 2012, the DPRK sought to translate these broad-brush elements into concrete outcomes, in different combinations, but always on the basis of the principle of “commitment for commitment, action for action”—a principle formally recognized in the 2005 Joint Statement.

Since 2012, everything has changed and nothing has changed. The MOFA 2012 Statement averred that it no longer adheres to this simultaneity principle, but instead requires a unilateral US shift that accommodates the DPRK’s security requirements. Until this shift occurs, the supreme National Defence Commission declared bluntly that the DPRK will rely instead on its nuclear weapons to fill its security deficit. In reality, however, the DPRK is obliged to resume strategic maneuvering and to try to reduce US hostility, at least tactically, and the simultaneity principle will likely be the basis for any such activity leading to actual agreements in the context of creation of a regional comprehensive security settlement.

### 3. VARIATIONS ON THE DPRK’S NON-HOSTILITY THEMES

Each of these thirteen broad-brush themes has one or other concrete action or embodiment that may be salient to the creation of a comprehensive security settlement. We briefly address some of these and note their limitations before addressing in greater depth the implementation of one necessary element, the ending of the Korean Armistice.

#### *Normalization of diplomatic relations*

After initial efforts by the United States and the DPRK to explore their respective options to set up consular and then full embassy representation in each other’s capital cities, the DPRK backed off opening a Washington DC office. Some attributed this to an unaffordable rental cost facing a bankrupt MOFA; others to the fact that the DPRK could achieve effective *de facto* representation at no marginal cost from its UN Mission in New York while depriving the United States of the representational and intelligence

collection advantages of having an office staffed by American officials in Pyongyang. The DPRK and Japan may achieve cross-recognition by settling “unfortunate past” issues before the DPRK and the United States. This a-symmetric diplomatic status quo may suit a DPRK strategy of keeping the United States far away except for tactical engagements designed to satisfy China’s demands that it engage the United States. At this stage, neither the United States nor the DPRK appears to be interested in diplomatic normalization as a short or medium-term imperative.

However, we should recognize that the DPRK is not necessarily rigid in its sequencing of diplomatic normalization relative to other key steps that it argues must be taken. In 2010, for example, the DPRK MOFA’s Ma Tong Hui suggested that:

The establishment of a peace regime will pass through the process of concluding a peace treaty between the DPRK and the U.S. and normalizing the DPRK–U.S. relations and the DPRK–Japan relations. It will inevitably be accompanied by the process of improvement of north-south relations and the Korean reunification.<sup>26</sup>

Having argued that diplomatic normalization and a peace treaty are crucial to establishing a Korean peace regime, Ma then admits a few paragraphs later:

As a matter of course, it is premature to debate at this stage whether the eradication of hostile relations and normalization of relations between the DPRK and the U.S. as well as Japan is possible before or after the Korean reunification, or whether it can be pushed ahead together with the reunification process.

Of course, reunification is the final outcome of the proposed peace regime—according to Ma, diplomatic normalization could occur before, during, or after the reunification process is complete. But if it can occur before reunification, then no peace treaty may be needed for the simple reason that merely establishing diplomatic relations may suffice to end hostility (along with formally terminating the Armistice) without any treaty at all. Thus, China recognized the ROK with a treaty of peace and friendship in 1991 and thereby, implicitly ended hostilities with the ROK (as one doesn’t establish diplomatic relations with a country with which one is formally at war, whereas in the case of Japan, a treaty was required (1978).

### ***Ending, Reducing Scale, Turning Down the Volume of US-ROK Military Exercises***

Calibration of the scale, timing, and publicity of military exercises is one way whereby the United States can respond to DPRK demands in return for corresponding reductions in DPRK nuclear, missile or other threatening activities. Although the DPRK arguably uses military exercises as a propaganda tactic aimed at its own population and external constituencies for purely tactical reasons, there is no doubt that at particular moments, US military exercises were perceived as highly threatening to the DPRK (for example, when the United States staged Team Spirit in 1998, or the B52 and B2 bomber exercises in 2013), or that

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<sup>26</sup> Ma Tong Hui, *Reunification of Korea, 2010, op cit*, p. 18.

adjusting or ending them had major impacts on DPRK actions (for example, when the United States did not stage the Team Spirit exercise in 1992).

As a first step to build confidence on a reciprocal basis, calibrating military exercises is a useful tool for both sides.<sup>27</sup> However, unless the DPRK is willing to extend it to include increased transparency, by attending and observing US-ROK military exercises, and inviting the US and ROK military to attend and observe the KPA's military exercises, this first step does not lead anywhere beyond superficial choreography for talks on other substantive issues. That is, it is an important kick-starter for a process that eventually leads to reduction of hostility; but of itself, will do little to achieve that outcome.

Other military-military relationships could also conceivably help to reduce hostility. Of these, apart from scaling down the size of major US-ROK military exercises, the simplest and perhaps most significant in the short-term is to restore the US Missing-in-Action Joint Recovery Teams working in the DPRK. These serve as early warning devices for the DPRK military, on the assumption that the United States won't launch a pre-emptive or decapitation strike against the DPRK while it has troops north of the Demilitarized Zone.

There are other cooperation measures that could be implemented with the KPA, some near the DMZ which are highly political (such as hotlines) that could constitute what the Swedish Institute for Security and Development Policy has called a *de facto* peace regime.<sup>28</sup> Others could be less immediately sensitive to the KPA and range from extending the Open Skies aerial reconnaissance agreement to both Koreas to reduce the incentive for infiltration of agents in both directions; air and sea traffic control cooperation; coast guard cooperation (for example, vessel traffic control dispatch systems and oil spill recovery operations), and a declaration of intent to define a military demarcation line in the West Sea of Korea, setting limits on military activities in this area, defining joint fisheries, establishing notification procedures, and possibly joint enforcement of fishing rules (on primarily Chinese fishing vessels).<sup>29</sup>

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<sup>27</sup> V. D'Orazio, "War Games: North Korea's Reaction to US and South Korean Military Exercises," *Journal of East Asian Studies*, 12, 2012, pp. 275-295, concludes that the DPRK "does not systematically escalate its conflictual rhetoric or behavior during or near the occurrence of [joint military exercises]" which implies such an approach may not work. Others have suggested that the US Commander in Korea might calibrate exercises such as Team Spirit in various ways to respond to DPRK concerns, including changing the name, reducing or eliminating the footprint in the ROK, moving it outside the ROK, changing or updating its design, and cancelling major theater-level exercises. See J.S. Chu, *Military Exercises in Korea: A Provocation or a Deterrent to War?* Paper to Joint Military Operations Department, US Naval War college, February 13, 2006, at: <http://www.dtic.mil/dtic/tr/fulltext/u2/a463339.pdf>

<sup>28</sup> The notion of such a joint development "peace zone" in the contested West Sea was agreed by Kim Jong Il and Roh Moo-Hyun at their 2007 summit. See Gil Yun-hyung, "Summit transcript: Roh Moo-hyun's idea was a peace zone, not abandonment," *The Hankyorey*, June 25, 2013, at: [http://www.hani.co.kr/arti/english\\_edition/e\\_national/593174.html](http://www.hani.co.kr/arti/english_edition/e_national/593174.html) and Institute for Security and Development Policy, *Toward a Roadmap for Peace and Stability on the Korean Peninsula, Steps and Perspectives*, Stockholm, May 2014, p. 19, at: [http://www.isdp.eu/publications/index.php?option=com\\_jombib&task=showbib&id=6381](http://www.isdp.eu/publications/index.php?option=com_jombib&task=showbib&id=6381)

<sup>29</sup> See also J. Goodby, "Achieving a Non-Nuclear Korean Peninsula: Options for Diplomacy in Northeast Asia," Stockholm, October 21, 2009 at: <http://nautilus.org/wp-content/uploads/2012/09/Achieving-a-Non-Nuclear-Korean-Peninsula-Options-for-Diplomacy-in-Northeast-Asia-by-James-Goodby.pdf>



### *Reduction or Halt to Mutual Slander, De-legitimation, De-stabilization*

The DPRK often complains bitterly about US and ROK activities, often by actors outside the control of the US and ROK state, to characterize the DPRK as a failed state, or the DPRK leadership as a failing, corrupt, oppressive regime (“the Soprano State”). This has included sending letters to the UN Secretary General<sup>30</sup> protesting Hollywood movies in which the DPRK or its leadership makes unflattering appearances, often as foils for standard American spy or martial hero themes (unlike the more complicated and nuanced ROK spy flicks such as *Secretly Greatly* or *The Berlin File*); citing attacks on statues of the DPRK leadership or the DPRK flag by US and ROK soldiers as unconscionable; and even objecting to UN Security Council sanctions on luxury goods (which sanctions sending to Pyongyang whisky older than 13 years, for example) as an attempt to overthrow the DPRK’s ideology and system (see the MOFA 2012 Statement in Attachment I). This sensitivity goes beyond American cultural product—the DPRK officially protested a Chinese private video posting on social media that satirized Kim Jong Un’s leadership but the Chinese government reportedly refused to pull it.<sup>31</sup>

This sensitivity to cultural barbs aimed at the DPRK’s leadership reveals an important but relatively superficial dimension of existing bilateral hostility. Anyone who has spent time in a DPRK movie theater or museum is struck by the vilification and stereotyping of American, South Korean, and Japanese figures as barbaric and inhumane, not to mention the absence of roughly three million Chinese volunteers in North Korean war movies and museums about the Korean War. The cultural memes that each side has developed of the other are profoundly rooted in their political cultures, and will only disappear when positive narratives appear based on real world cooperation.

American civil society actors have invested already for more than two decades in this task on the ground, and have made significant headway. There is no reciprocal North Korean counterpart leading the way in reconstructing the image of the DPRK, bottom-up, in American society. Student exchange and other transactions are almost non-existent. The DPRK’s habit of inviting peripheral American cultural figures such as Dennis Rodman only reinforces American stereotypes of DPRK weirdness.

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<sup>30</sup> “N.Korea Complains to UN Over Hollywood Movie,” *Chosun Ilbo*, July 10, 2014, at: [http://english.chosun.com/site/data/html\\_dir/2014/07/10/2014071002057.html](http://english.chosun.com/site/data/html_dir/2014/07/10/2014071002057.html). In *The Interview*, produced by Columbia Pictures, an American talk show host who is sent to Pyongyang to interview Kim Jong Un is tasked with assassinating him. On September 2, 2014, the DPRK threatened to rupture diplomatic relations with the United Kingdom if the film was aired. J. Denham, “North Korea threatens Britain over ‘mud-slinging’ Channel 4 thriller focusing on Kim Jong-un’s nuclear weapons programme,” *The Independent*, September 2, 2014, at: <http://www.independent.co.uk/arts-entertainment/tv/news/north-korea-threatens-britain-over-mudslinging-channel-4-thriller-focusing-on-kim-jonguns-nuclear-weapons-programme-9706176.html>

<sup>31</sup> “N.Korea Furious About Kim Jong-un Dance Video,” *Chosun Ilbo*, July 18, 2014, at: [http://english.chosun.com/site/data/html\\_dir/2014/07/18/2014071800895.html?Dep0=twitter](http://english.chosun.com/site/data/html_dir/2014/07/18/2014071800895.html?Dep0=twitter)

However, the official propaganda channels are another matter. American funding for mass media such as Radio Free Asia, or for DPRK defector and American human rights groups focused on naming and shaming prison camps and human rights abuses in the DPRK can be calibrated. Likewise, the DPRK can adjust the volume and content of its diverse mass media with almost perfect control, although it rarely gets the pitch perfect for audiences outside of the DPRK. It can literally turn down the volume on its loudspeakers at the DMZ.

In short, cultural change is a poor basis for reduction of hostility. The American and North Korean political and economic systems are antithetical to each other in almost every respect. They enshrine directly opposing values. Until the currently tiny transactions between civil society and the economies of the two parties become “thick,” the profound distrust and ideological portrayals of the other will continue to raise ire and preclude forming the cultural basis for understanding and mutual accommodation on hard security issues.

It is worth noting one other point here: for all the implied reference to live and let live in the symbolic statements summarized above, there is little doubt that significant elements of the American foreign policy establishment desire to cause the actual collapse of the DPRK, and some took it upon themselves to make this happen. During the Cold War, this took the form of US and ROK covert operations against and inside the DPRK. Today, it takes the form of using sanctions, especially financial sanctions orchestrated and imposed by the US Treasury, to squeeze the DPRK economically so hard as to cause the collapse of the DPRK regime. This was explicitly the goal of some Treasury officials in the Bush Administration and their allies in the State Department. The United States “financial warfare” against the DPRK began in 2002 and culminated when Treasury Department launched a direct financial assault on the Banco Delta Asia in Macau that handled North Korean finances.<sup>32</sup>

Loosening and over time, removing financial sanctions may therefore be a potent way to demonstrate US intention to become less hostile towards the DPRK in ways that affect the prospects of the regime, as distinct from damaging images or minor actions that cause emotional distress in Pyongyang but don’t provide security or financial benefits to the United States.

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<sup>32</sup> J. Zarate, *Treasury’s War: The Unleashing of a New Era of Financial Warfare* Public Affairs, 2013. Zarate states that the US Treasury’s campaign to shut down Banco Delta “was a modern act of financial warfare intended to isolate North Korean commercial and illicit activity from the international financial system using the subtle power of regulation and financial suasion.” (p. 311) Moreover, this strategy aimed at regime change as the foremost goal: “It is not clear that economic pressure can alter the calculus of a regime committed to nuclear capability as a central element of national power and international influence. . . . Instead, it is critical that the financial pressure campaign be viewed as part of a series of actions and policies to change the regime’s trajectory or the regime itself.” (p.352) Zarate explains in some depth that Treasury declared financial war on the DPRK knowing full well that this was almost impossible to undo unless Treasury itself changed how banks operated in the market; and that financial warfare against the DPRK would complicate vastly and render ineffectual US negotiations to end the DPRK’s nuclear weapons program at the Six Party Talks. The latter objective was achieved, albeit eventually overcome by special transfer arrangements set up by Treasury with the US Federal Reserve Bank and a Russian intermediary bank in Vladivostok to restore funds to the DPRK. The goal of regime change was not achieved.

## *DPRK Access to Space*

The DPRK long range rocket research, development and deployment program is extraordinarily slow motion. Although there is debate as to whether the DPRK's long range rockets have much if any bearing on its ability to fire a long range missile carrying a warhead (the angles of fire, trajectories, loads and stresses, type of propellant, and structural design differ between rockets designed to launch satellites vs rockets designed to send a re-entry vehicle up then plunge back down vertically onto a target), the DPRK has viewed its access to space as a prerogative that it exercises separate to its military capabilities. It admits that some of the underlying technology is dual-use and in fact, has conflated its ability to fire rockets with its ability to fire missiles when it suited Pyongyang to send an extra threat message towards the United States or others powers. It freely and uninhibitedly talks of firing nuclear armed rockets at South Korean, Japanese, and American cities as well as at American military forces in Korea and in the region.

The economics of space access are almost completely negative. Very few space programs pay their own way (remote sensing and satellite phone systems are moving towards commercial viability). Most space-based services rely on sharing the high capital cost as well as networked ground stations organized into multinational consortia to offer services to private as well as state-mandated users. The DPRK began a weather and resource assessment remote sensing interpretation program in the mid-nineties, but achieved little in the way of application to disaster response management, or agricultural, forestry, watershed or forest fire management.

The DPRK's demand for space falls into the category of prestige program with limited military externalities—positive from the DPRK perspective, negative for the rest of the world. In 1999, the Clinton Administration developed a proposal with the DPRK to enable it to launch satellites via the launch services of other countries in return in part for an end to the DPRK's long range rocket (missile) program. This proposal, like the rest of the Clinton Administration's engagement of the DPRK, evaporated after the Bush Administration took over the White House.

Other than as a small time consumer of multinational launch and space services via international markets, subject to dual use technology transfer rules, the DPRK has little to offer directly to the international or regional community as a contribution to space-based economic or scientific activity. There is no need for satellite ground stations in the DPRK; no-one will rely on DPRK rockets for launch services; and the export market for DPRK long range rocket technology is very narrow and shrinking (with Burma and Iran moving out of reach of DPRK export, assuming it was able to evade interdiction in transporting such items). Fundamentally, therefore, long range rockets is a poor place to build non-hostility, although refraining from doing so is a reasonable, low-cost confidence building measure until more substantial foundations to build bridges are laid.

However, it is worth exploring with the DPRK whether there are scientific and technological possibilities for cooperative space-based research and projects—for example, in applying remote sensing to ground-level measurement of globally significant habitats such as the DPRK portion of the Tuman Wetlands, or in monitoring and managing the Demilitarized Zone as a peace park, as proposed by private and official leaders in the ROK. Other areas might be in measuring the seismicity of Mt. Paekdu (an area in which US

and North Korean scientists are already active), tracking migratory birds (also an area in which US and North Korean scientists are cooperating), and perhaps in tracking illicit trafficking of people, animals, organs, drugs, and small arms in and around the Korean Peninsula, especially via fishing vessels meeting criminal networks operating out of coastal China, Taiwan, Russia, and Japan. [not sure if there are any links to organized crime in the ROK?].

### *Sanctions and Nuclear Fuel Cycle Cooperation*

At first glance, the lifting of sanctions and cooperation on various nuclear fuel cycle activities seems an unlikely place to attempt to reduce hostility, given the history of bad faith and broken agreements in this field since 1991—starting with the DPRK’s safeguards declaration to the IAEA (rejected as incomplete and false in certain respects), running and then freezing the DPRK’s graphite moderated reactor to put maximum pressure on the United States and the IAEA at various junctures, extracting plutonium from its reprocessing plant, disabling then rebuilding and reactivating this plutonium factory, canning and storing the spent fuel sludge from past reactor operations with US technical assistance, uranium exploration and processing technical assistance from the IAEA, and running of clandestine, then openly operated uranium enrichment facilities.

Nonetheless, the DPRK itself has chosen to link sanctions and nuclear issues. The MOFA 2012 Statement explicitly asserts that it was constructing its own small light water reactor as a counter-measure to UN sanctions—an only slightly veiled threat to increase enrichment from the 3 percent needed for light water reactor fuel to weapons-grade enrichment levels.

As one of the United States’ major concerns with regard to nuclear weapons is the DPRK’s enrichment program, it may be useful to develop ways to cooperate with the DPRK’s small light water reactor program as an indirect approach to understanding and then putting under international safeguards the DPRK’s enrichment program. There are various possible entry points starting with the relatively easy DPRK filing of an annual report to the UN Security Council’s 1540 Committee on its implementation of its nuclear security obligations to control the proliferation activities of non-state actors. More demanding would be to work with the DPRK to analyze the safety issues associated with operation of its home-made small light water reactor and possible technical adjustments or even substitutions that would reduce the safety hazards posed by this reactor. The DPRK could also join the regional nuclear safety network set up by China, the ROK and Japan after the Fukushima nuclear reactor catastrophe in 2011. Pushing ahead, the United States could also facilitate the creation of a regional enrichment consortium whereby DPRK enrichment facilities either become internationalized and fully safeguarded, and provide enrichment services to reactor operators in other states; or the DPRK and the ROK opt to participate as full owners of a multinational enrichment consortium using existing or new enrichment facilities in a third country—most likely the Russian Far East with its seasonal surpluses of electric power, or China.

Although the 2005 *Joint Statement of the Six-Party Talks* kept open the prospect that the parties would revisit the provision of commercially-sized light water reactors to the DPRK, perhaps reactivating the KEDO project site which was to have hosted about 2.2GW-electric of light water nuclear reactors before the project was terminated in 2006, it is difficult to imagine where the political will would come from to

complete such a project without American leadership. Hell will truly freeze over before the United States reactivates a nuclear KEDO.

Apart from the symbolic benefit to the DPRK of matching the light water reactors found in all its neighbors, the KEDO light water reactor project was also a lever for the DPRK to eventually force KEDO and its backers to assist the DPRK to refurbish its power grid, without which the reactors could never have operated. The DPRK's grid remains in a parlous state of near complete collapse, as does its energy system as a whole.

Small, medium- and large-scale energy reconstruction and investment projects, including renewables, energy efficiency, power generation at hydro and coal-fired power plants (where justified), oil refinery and distribution system upgrades, and introduction of LNG to the DPRK, are all areas where it is possible to find a small overlap between DPRK priorities as expressed in many channels, and what makes sense viewed from a standard international developmental lens. Although military energy use in the DPRK is a small fraction of primary and secondary energy use (~7 percent), it is a large fraction (> 50 percent) of diesel, gasoline, and jet-fuel).

Reconstructing or improving DPRK's liquid fuel infrastructure immediately increases their warfighting capability and sustainability. Creating a more stable power supply almost certainly increases the viability of KPA military production facilities even if the goal is to increase the quality of life of civilians. Aside from concerns about increasing DPRK's military capability which many restrain official assistance, and aside from technical issues (which are relatively easy to overcome), the greatest limiting factor to external investment and assistance are self-inflicted by DPRK. There are no formal energy markets and external investors do not have recourse to a predictable adjudication regime, for example, published laws, courts and lawyers.

In the longer run, if and when hostility is reduced in major ways, then the ROK is likely to lead the reconstruction of the DPRK's energy infrastructure, and to work with its neighbors to complete the various energy and energy-using networks that are currently blocked by the DPRK energy black-hole. However, there will be important roles for international agencies such as the World Bank, Asian Development Bank, etc. in financing the massive cost of this rehabilitation which would require American approval; and the United States would find niche roles for its major architect and engineering firms in such a huge reconstruction energy program.

In real economic and welfare terms, cooperation on small light water reactors and related fuel cycle facilities in the DPRK would be relatively insignificant in the big picture of this reconstruction. As an export market for the ROK to commercialize its small light water reactor project, the DPRK might be a suitable site for fielding five or ten such reactors—but this technology is still many years, possibly decades from commercial reality. Addressing the immediate costs of the DPRK's energy system, for example, power supply, will be far more compelling for the ROK. The ROK previously offered to supply two GWe of power to the North<sup>33</sup> but the cost of this option would have been small change in the bigger

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<sup>33</sup> The ROK offer was to ship bulk power by transmission lines to the DPRK, which was technically likely not possible due to its impact on the poorly balanced ROK grid with most demand in Northwest centered on Seoul, and most supply in the Southwest. But even building two new 1GWe power plants in the North using coal or gas would have been cheap relative to refurbishing the DPRK grid. See P. Hayes *et al.*, "Gridlocked, North Korea needs energy. But can the parties negotiating a solution to the nuclear crisis come up with a viable way to plug in the North?" *Bulletin of the Atomic Scientists*, 62:1, January/February 2006 pp. 52-58 at: [http://www.thebulletin.org/print.php?art\\_ofn=jf06hayes](http://www.thebulletin.org/print.php?art_ofn=jf06hayes)

picture of energy reconstruction in the DPRK. The cost to rehabilitate just the transmission and distribution grid alone (not including generation) is on the order of \$40 billion in the DPRK or about an entire year of the DPRK's GDP.

Thus, like space-related cooperation to remove the rocket-missile threat, nuclear fuel cycle cooperation in the DPRK would exist only to remove its nuclear weapons threat, not to build a viable independent nuclear industry in the DPRK. Like the KEDO light water reactors, cooperation on small light water reactors might be an interim step towards building confidence because it implies that the United States and its allies would provide support and even enrichment services that would not be made available to an enemy state. This would be obvious to the DPRK and may not suffice to offset DPRK distrust derived from what North Koreans perceive to be American bad faith already demonstrated by the entire KEDO LWR experience. (The 1994 Agreed Framework Confidential Minute addressed this issue of trust most critically by timing US delivery of a "significant portion" of the two LWRs to DPRK re-entry into their IAEA safeguards obligations with full compliance, including IAEA special inspections; see para 6, page I, Attachment 4). In the long-run, therefore, it is an open question whether nuclear reactor cooperation is a useful basis on which to build cooperation with the United States due to a reactor project's limited ability to create joint value in a way that reduces hostility.

### *Ending the Threat of Nuclear Attack or Pre-Emptive Nuclear Strike*

In this paper, we will not give an extended treatment of the DPRK's external threat perception as it relates to nuclear attack. Suffice it to say that for historical reasons as well as intended threat perceptions created by US nuclear forces attempting to deter possible DPRK conventional, chemical, and now nuclear attack, the DPRK's leadership and population are highly sensitized to this threat, and aware of their relative vulnerability in spite of constructing a vast, subterranean North Korea to shelter from nuclear annihilation.<sup>34</sup>

The DPRK has proposed Korean and regional nuclear weapons free zones since the mid-eighties; and signed the 1992 Denuclearization Declaration (which was never implemented in a meaningful way, although it arguably remains in force). It also demands legally binding negative security assurances or guarantee of non-attack by the United States. The only way to achieve such a commitment is via a Nuclear Weapons Free Zone (NWFZ) treaty. There are various pathways by which this outcome could be achieved by the DPRK working in cooperation with the other five parties to the Korean conflict, and possibly also involving Mongolia and the other NPT Nuclear Weapons States.

Moreover, such an institutional approach would create security benefits not just for the DPRK, but also for the ROK, Japan, and Taiwan as non-nuclear states or territories; and for the regional nuclear weapons states (for example, reducing Chinese fears of Japanese nuclear proliferation, or ROK and Japanese fears of Chinese nuclear attack). Thus, a regional NWFZ is an attractive institutional option for reducing hostility between the United States and the DPRK, and could come into existence very quickly once fundamental political choices are made in Washington, Beijing, and Pyongyang. For this reason, it is viewed as one of

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<sup>34</sup> See P. Hayes, "View from Pyongyang," chapter 8, *Pacific Powderkeg, American Nuclear Dilemmas in Korea*, Lexington Books, 1991, at: <http://nautilus.org/wp-content/uploads/2011/04/PacificPowderkegbyPeterHayes.pdf>

the six essential elements of a regional comprehensive security settlement that could reverse the DPRK's nuclear breakout and reduce the risk of war and nuclear war.

### *Ending the Armistice*

The most hostile relationship between the DPRK and the United States is the suspended war in Korea. The 1953 Armistice Agreement between the three military signatories is the basis for the truce. The Armistice created a set of arrangements that are political, institutional, and spatial, and are not easily changed, let alone abolished or superseded. Including post-Armistice Agreement amendments, the Armistice mechanisms include:

- The military demarcation line (MDL) separating North and South Korea marked by white posts;
- The demilitarized zone (DMZ) 2 km north and 2 km south of the MDL from east to west coast of Korea. Coastal offshore islands were allotted to the respective sides except for those immediately off the west coast and north of the DMZ which remained under UNC;
- The Military Armistice Commission (MAC) in Panmunjom to investigate and resolve violations of the Armistice in the DMZ, to manage crossings of the MDL, to manage repatriation of prisoners and nationals (no longer); to manage return of remains; and oversee transport corridor operations that traverse the DMZ;
- The Neutral Nations Supervisory Commission (NNSC), members being Poland, Czechoslovakia (for the DPRK); and Sweden, Switzerland (for the ROK) to investigate violations of the armistice outside of the DMZ, including prohibited arms imports;
- The Joint Security Area (JSA) within the DMZ, encompassing Panmunjom and the MAC headquarters, according to an "Agreement on Military Armistice Headquarters Area, Its Security, and Constitution," In September 1976, the MAC and North Korea negotiated an amending agreement of Sept. 6, 1976, which provided that: (a) personnel assigned to the MAC and the NNSC would continue to have access to the entire JSA; and (b) security personnel of either side must remain on their side of the Military Demarcation Line within the JSA.<sup>35</sup>

Until such time as the underlying conflicts between the United States and the DPRK—most importantly, the DPRK's reconciliation and rapprochement with the ROK on an enduring and irreversible basis occurs, the necessary condition for ending the Armistice do not exist.

Although the DPRK has threatened to withdraw from it and in fact declared on March 5, 2013 that the Armistice Agreement is null and void, and announced that it has withdrawn all cooperation with the "Panmunjon mission,"<sup>36</sup> in fact there is no basis under international law for one belligerent to exit the

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<sup>35</sup> L. Niksch, *North Korea's Campaign Against the Korean Armistice*, Congressional Research Service Report 95-1187 F, December 11, 1995, at: <http://fas.org/spp/starwars/crs/95-1187f.htm> and K. Taylor, "UNITED NATIONS COMMAND MILITARY ARMISTICE COMMISSION, Security & Reconciliation," Presentation to Breaking Gridlock Workshop, Washington DC, 2012, unpublished.

<sup>36</sup> "Spokesman for Supreme Command of KPA Clarifies Important Measures to Be Taken by It," KCNA, March 5, 2013, at: <http://www.kcna.co.jp/item/2013/201303/news05/20130305-21ee.html> and "Rodong Sinmun Holds US Responsible for Reducing AA to Dead Paper," KCNA, March 11, 2013, at: <http://www.kcna.co.jp/item/2013/201303/news11/20130311-08ee.html>

Korean Armistice. As the Armistice Agreement set no fixed duration during which belligerence is suspended, and was arguably intended to indefinitely suspend fighting until a political settlement was achieved, then no resumption of fighting is allowed, even with proper notification.<sup>37</sup> It is fairly obvious that attempts by the DPRK to withdraw unilaterally from the Armistice will increase or at least not decrease hostility with the United States. In 1992, as Norton notes,

the two Koreas entered into an "Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation between the North and South," in which they agreed, inter alia, to "endeavor together to transform the present state of armistice into a solid state of peace between the South and the North and [that they would] abide by the present Military Armistice Agreement until such a state of peace has been realized." This undertaking was reaffirmed in a Protocol entered into in September 1992. Less than two years later, however, the DPRK repudiated its commitments to the ROK and reverted to its position that the Armistice should be replaced by a peace treaty between the DPRK and the United States alone. The DPRK also, in violation of the Armistice Agreement, withdrew its delegates from the Military Armistice Commission and reportedly blocked Poland from entering the DPRK (1993) and pressured Poland to withdraw (1995) from the Neutral Nations Supervisory Commission, leaving those two institutional remnants of the Armistice Agreement all but defunct.<sup>38</sup>

There is no requirement under international law for the parties to end the Armistice with any legally binding agreement such as a bilateral peace treaty. The warring parties can simply decide to end the war, and declare such is the case, and then substitute another legal regime to manage the territory designated as demilitarized by the Armistice Agreement; terminate or revive in another form the Military Armistice Commission and its Joint Observer Teams; and terminate or revive in another form the Neutral Nations Supervisory Commission and its Neutral Nations Inspection Teams (currently moribund with no prospect of revival) to monitor and verify the reconfiguration and redeployment of DPRK, ROK and US military forces in Korea that would accompany such declaration. The minimum requirement of the replacement agreement and its supporting organizations is that it must terminate armed conflict and maintain the peace in Korea.

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<sup>37</sup> The Preamble to the Armistice states that signatories intended to achieve the "objective of establishing an armistice which will insure a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved..." and until that time "do individually, collectively, and mutually agree to accept and to be bound and governed by the conditions and terms of armistice set forth in the following articles and paragraphs, which said conditions and terms are intended to be purely military in character and to pertain solely to the belligerents in Korea." Article IV recommended to the concerned governments on both sides of the conflict that: "In order to insure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc." As such a conference failed to settle these questions when it was finally convened in June 1954, the Armistice remains in force and binds the parties indefinitely to the obligations undertaken when it was signed. See "Agreement between the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's volunteers, on the other hand, concerning a military armistice in Korea," July 27, 1953, at: <http://nautilus.org/publications/books/dprkbb/armistice/#axzz3BAMwtIT>

<sup>38</sup> P. Norton, "Ending the Korean Armistice," *NAPSNet Policy Forum*, March 29, 1997, <http://nautilus.org/napsnet/napsnet-policy-forum/napsnet-policy-forum-online-2-norton-ending-the-korean-armistice/>



The most basic starting point in this regard is international law and the Armistice which created the Military Armistice Commission (MAC) and the Neutral Nations Supervisory Commission (NNSC).<sup>39</sup>

The United States was designated to create a unified command by the UN Security Council and in that capacity, created the United Nations Command (UNC) to prosecute the war. The then UN Commander signed the Armistice Agreement as commander of US forces, allied forces, and ROK forces, all of whom were operationally under his command at the time. It is legally clear that his commitment to the Armistice Agreement committed the United States and its allies and the ROK, as sovereign states, to observe the terms of the Armistice Agreement, and that they were all then belligerent states, and remain so today.

Today, therefore, the US Joint Chiefs of Staff subject to oversight by national political authority must determine exactly what would happen in such circumstances to the UN Command, as this command reports directly to the UN Security Council but has an irrevocable mandate to operate a “unified command” from the Council issued in 1950. UN Command might be dismantled altogether or transformed into a UN Security Council mandated peacekeeping force that includes non-Korean contributors in a militarily meaningful manner (unlike the token forces allied to UN Command today); or a reconstituted MAC could be replaced by a Korean Military Commission operating with expanded powers to that defined in 1992. (This latter approach assumes that the United States has passed operational control to the ROK military, but does not preclude the continuing alliance and local presence of US forces in Korea, a presence that not only Chinese and South Koreans may find reassuring, but also may stabilize inter-Korean relations in the view of many North Koreans). What is critical in such a transition is that the staff and UNC-KPA interaction and hotline be sustained at all times.

### *Peace Treaty*

The notion of a peace treaty to terminate hostilities and to end the Armistice, whether it is simply an inter-Korean treaty, or a three or four party treaty signed by the primarily belligerents, is alluringly simple. But as Robert Bedeski concludes, “[T]he international context of a proposed treaty is much more complex than the simple bilateral relations between the US and North Korea, and requires a broad diplomatic effort in multilateralism.”<sup>40</sup>

The DPRK’s approach has varied from time to time in terms of proposing a US-DPRK peace treaty, attempting to force an end to the Armistice, constructing a North-South military commission that would substitute for many of the functions of the Military Armistice Commission, etc. In April 1994, the DPRK proposed to replace the Armistice with a new peace mechanism, withdrew its members from the MAC, and setup what it called the Panmunjom Mission of the Korean People's Army. The Chinese Government withdrew its “voluntary” army representatives from Panmunjon in December 1994, and the NNSC members (Czechoslovakia and Poland) on the northern side of the DMZ were evicted. In February 1996, the DPRK proposed a DPRK-US joint military body to replace the MAC and as the channel for inter-military discussions to manage the MDL and the DMZ, to determine how to settle armed conflicts or accidents, the formation of a joint military body, etc., to replace the Armistice Agreement until a complete “peace agreement” was concluded.

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<sup>39</sup> After 1993, the northern members were no longer provided access north of the DMZ.

<sup>40</sup> R. Bedeski, “Challenges to Peace,” *op cit*.

When examined closely, each of these proposals had a tactical content but no underlying strategic logic that addressed the fundamental geo-strategic and underlying conflict dynamics that endure in the Korean Peninsula.

These are first and foremost that the Korean conflict is undeniably inter-Korean which continues today just as the Korean War itself was simultaneously internationalized by the great powers who first divided, then fought in Korea in the midst of a Korean civil war. Until both Koreas are willing and able to co-exist and recognize the legitimacy and sovereignty of the other, the civil dimension to the Korean conflict will remain the primary driver of all the other geo-strategic outcomes that bear on US-DPRK hostility. The various inter-Korean agreements notwithstanding—the July 4, 1972 Joint North-South Statement, the December 1991 Agreement on Reconciliation, Non-aggression, and Exchanges and Cooperation (Basic Agreement), and the February 1992 Joint Declaration of De-Nuclearization of the Korean Peninsula—neither Korea trusts the other in the slightest today; and both Koreas believe that the other is destined to disappear, eventually, in a reunification on their own terms.<sup>41</sup> Whatever the judgment of outsiders as to the likely eventual outcome and endgame in this standoff, the fact remains that today, neither Korea is willing to live and let the other live undisturbed by military threat.

Thus, to propose ending the Armistice and to substitute some other management mechanism to undertake exactly the same tasks to manage the demarcation line, the peaceful uses of the Demilitarized Zone (including its demining), and related military-military issues such as notification of major military units, military exercises, let alone the broader issues of arms monitoring and verification envisioned in the original Armistice and the much needed phased reduction of armaments and critical to any new management regime, is disconnected from military and political reality. Claims by some pro-North Korean writers that a US-DPRK peace treaty suddenly will usher in a new period of inter-Korean cooperation including creation of a confederal political system, a small confederal army, a Korean nuclear weapons-free zone, and an ongoing presence of US Forces Korea as a peacekeeping force, are unpersuasive.<sup>42</sup> The underlying assumption in the DPRK's position is that a DPRK-USA normalization and peace treaty will set the stage for Seoul to reclaim its full independence vis-a-vis Washington, and that Seoul will become more aligned with the DPRK as a result.<sup>43</sup>

Similarly, a bilateral US-DPRK Peace Treaty, already vanishingly small given the political polarization of the US Senate in the 21<sup>st</sup> century, before implementing fully the North-South Basic Agreement including the mechanisms envisioned in its military commission such as troop redeployment and demobilization, etc., is legally and politically fantastic.

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<sup>41</sup> See R. Bedeski, "Challenges to Peace on the Korean Peninsula", *NAPSNet Policy Forum* 97-16, July 28, 1997, <http://nautilus.org/napsnet/napsnet-policy-forum/napsnet-forum-7-challenges-to-peace-on-the-korean-peninsula/>

<sup>42</sup> "A conclusion of a peace treaty would generate two remarkable immediate and lasting spin-offs. A steep cut would be made in the conventional armaments in the two parts of Korea, while Pyongyang and Seoul would find themselves in extensive and serious talks, which would eventually lead to a two-system confederal reunification of the Land of Morning Calm." Kim Myong Chol, "DPRK Perspectives On Ending The Korean Armistice," *NAPSNet Policy Forum*, May 7, 1997, at: <http://nautilus.org/napsnet/napsnet-policy-forum/napsnet-forum-4-dprk-on-ending-the-armistice/>

<sup>43</sup> See, for example, "Kim Response to Norton, "Ending The Korean Armistice"", *NAPSNet Policy Forum*, March 17, 1997, <http://nautilus.org/napsnet/napsnet-policy-forum/kim-response-to-norton-ending-the-korean-armistice/>

DPRK proposals from the mid-nineties onwards<sup>44</sup> that insist on a bilateral peace treaty and cut out the ROK as a legitimate party to an agreement to end the Armistice are unfounded in legal and military reality, and are politically fantastic. DPRK proponents of this position usually fail to recognize that if one accepts that the ROK is not party to the Armistice Agreement, it is also not bound by its terms, directly, or via the operational control of the UN Commander—which is absurd. Far from creating the conditions needed to reduce hostility, such proposals are viewed as offered in self-serving bad faith by the United States and the ROK, and inevitably will be rejected if repeated—especially given that the fundamental ratios of national power have turned irreversibly against the DPRK.<sup>45</sup>

***Peace Regime:*** The third linked element is the creation of a peace regime. A peace regime is much more than negative security, that is, the management of conflict and the avoidance of war. It implies the construction of peace, and the establishment of the pre-conditions for peace. In a civil war as well as international wars, the foundations of peace must be built bottom-up, person-by-person, at the community level, and at the level of the top leaderships. The sequencing may vary, but trust cannot be established *in vacuo*. It arises from intense communication, coordination, and collaboration, in increasing levels of intensity and difficulty in what is best described as a *peace process*. When terrible acts of war inform historical memory and divide surviving combatants and descendants, some measure of contrition and acceptance of mutual responsibility for the past, and a reconciliation process grounded in the present, are needed for peace to break out.

Both Koreas have attempted to start the process of rapprochement and reconciliation envisioned in the Basic Agreement at various times, and at various levels—including the top leadership (especially the June 2000 presidential summit but also on occasions such as funeral delegations), central organs of state (for example, unification and security agencies at various times), provincial government and inter-city cultural and economic exchanges, humanitarian exchanges (such as family reunion events), line agencies (for example, on running the Kaesong Industrial Zone), private investors and traders, universities (Pyongyang University of Science and Technology), and even civil society (for example, The Buddhist Sharing Movement). Significant, tangible progress has been made, perhaps most importantly at the Kaesong Industrial Region but also in small ways by organizations such as the Coal Sharing Movement. Compared with two decades ago, relations between the ROK and DPRK are multifarious, multidimensional, and multilevel. However, they are easily disrupted and blocked by political and ideological moves made by the DPRK or the ROK governments.

Because the war and division of Korea were international, outside players also bear significant obligations to build peace in conjunction with both Koreas. Many American, Canadian, European, and Asian organizations have worked with North and South Korean counterparts, especially to create the learning and engagement capacity needed for the North to utilize available training opportunities in and outside of the

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<sup>44</sup> Such arguments were articulated in 1997 by the pro-DPRK writer Kim Myong Chol; and separately by DPRK analyst Pak Chol Gu, “DPRK Perspectives On Ending The Korean Armistice,” *NAPSNet Policy Forum*, May 7, 1997, at: <http://nautilus.org/napsnet/napsnet-policy-forum/napsnet-forum-4-dprk-on-ending-the-armistice/> Readers should note that, according to Patrick Norton: “From 1962-74, the DPRK argued that the two Koreas should sign a peace treaty. When South Korea accepted this proposal in 1974 by offering to sign a non-aggression pact, the DPRK changed its position and argued that only the United States was properly the other party to a peace treaty, a position it has since continued to maintain.” P. Norton, “Ending the Korean Armistice,” 1997, *op cit*.

<sup>45</sup> “P. Hayes, “North-South Korean Elements of National Power,” NAPSNet Special Report, February 2, 2011, at: <http://nautilus.org/napsnet/napsnet-special-reports/north-south-korean-elements-of-national-power/>

DPRK on diverse topics such as health care, energy supplies, etc. They have also played a leading role in provision of humanitarian assistance to starving and sick North Koreans.

In the process of building positive peace, the DPRK has few resources to offer to the ROK or external players. Most important are provision of information and access. Unsurprisingly, the DPRK has withheld both information and access except to those working in the DPRK with a specific rationale for such, and even then, in a highly calibrated, and often stop-start manner. However, in some key areas, the DPRK has begun to contribute to international public goods, for example, by providing nationals to become international civil servants in the International Federation of the Red Cross working in conflict or disaster areas around the world; working with international agencies on potential pandemics such as SARS; and working with US partners to contain drug-resistant tuberculosis.

To advance a peace treaty that ends the Korean War and to end the Korean Armistice and replace it with a new military management entity with monitoring, verification, and enforcement powers entails a massive increase in North-South confidence-building and actually rapprochement. At this time, neither Korea is willing to make the necessary compromises nor abandon aspirations to emerge as the reunification victor that vanquishes the other for all time, that would create a peace regime anchored in social, cultural, and economic reality in both Koreas.

Meanwhile, the Armistice Agreement continues to define the fragile peace in Korea. Although they have shredded its formal institutional form, North Koreans will sometimes admit that it still rules the peace in spite of this campaign. Although the DPRK has declared it dead and withdrew its representatives from the MAC two decades ago, it has continued to use the MAC via the fiction of portraying its attendance as participation in an “interim” entity pursuant to its goal of replacing the Armistice with a peace treaty and a new implementation apparatus at the DMZ.

However, if Kim Jong Un opens the floodgates of rapid change in the DPRK, and if the ROK is willing to allow the water to flow, then many barriers will be swept away on both sides. Given Kim Jong Un’s age and upbringing, and his declared ambition to make the DPRK a strong, modern, and economically powerful country, such an opening is conceivable, although the probability of such a shift is unknowable and is partly determined by decisions in Seoul and elsewhere that he does not control. Of course, every time the DPRK embarks on a kinetic provocation or rhetorical confrontation, it undermines the political will in the ROK and third parties to support such a process, a classic vicious cycle of blame and recrimination that leaves everyone worse off than the previous cycle.

#### **4. WHERE TO START THE COMPREHENSIVE SECURITY SETTLEMENT**

If and when a North or South Korean decides to commit incontrovertibly to a peace regime, including all the domestic changes necessary to do so, then and only then does a peace treaty and ending the Armistice become possible. Of course, the United States and other great powers are able to shape the strategic environment in ways that make that an attractive option in both Koreas, especially in the North. Fundamentally, however, this is a Korean choice, and both Koreas must commit at the same time for a peace regime to emerge.

Should this occur, then it is useful to envision the actual political, diplomatic, and military steps that would then ensue. There is more than one pathway to decide politically to end the war, as proposed in the Armistice; and there are multiple ways to then recast the military management systems created by the

Armistice or now possible given the changed circumstances and half a century of military and technological change plus the evolution of an array of legal and institutional entities to monitor, verify, and enforce such agreements. Bedeski has suggested that a post-MAC verification force would use up-to-date ground, remote, unmanned, and overhead sensors to provide confidence to the two Koreas that neither is about to attack, and that the DMZ itself should be expanded from 4 to 10 or 20 km as a “buffer.”<sup>46</sup>

At this stage, and provided the changes are coordinated with diplomatic cross-recognition, the simplest pathway involving the least number of negotiators is the most sensible way to approach this problem. Thus, Patrick Norton’s suggesting that the key four belligerent states, the two Koreas, the United States, and China, must be party to any agreement to end the Armistice Agreement and to terminate hostilities, is a sensible starting point.<sup>47</sup> The UN Commander can consult with the other UNC allies, but it is not necessary to invite them to all attend a peace conference to terminate hostilities and to end the Armistice Agreement.

In order to move beyond the inherited Cold War frame of reference that defined the Armistice Agreement, Norton’s proposal for such a political conference to be held under UN Security Council mandate also makes sense. Doing so will ensure that Russia is vested in the outcome, and that all states, not just the four key belligerents, are also bound by the terms of the agreement to terminate hostilities and to end the Armistice Agreement. “All states” necessarily includes both Koreas. A political agreement to terminate hostilities is sufficient to end the war and has international legal force.

A peace treaty is not needed to terminate hostilities nor end the Armistice. Striving for a peace treaty will complicate negotiations and entail braving domestic politics in all the parties, but especially in the United States and the ROK. Far more important than striving for an unlikely peace treaty would be create a legally binding code of friendly inter-State conduct among Northeast Asian countries. To this end, the six parties who are actual key in geo-strategic decision-making in this region, that is, the two Koreas, China, the United States, Russia and Japan, as against the four primary belligerents in the Korean War, could adopt a similar approach to the Southeast Asian Treaty of Amity and Cooperation (SEA-TAC) in February 1976, which outlines non-hostile intent in Article 2 as follows:

*In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles:*

- a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;*
- b. The right of every State to lead its national existence free from external interference, subversion or coercion;*
- c. Non-interference in the internal affairs of one another;*
- d. Settlement of differences or disputes by peaceful means;*
- e. Renunciation of the threat or use of force;*
- f. Effective cooperation among themselves.*<sup>48</sup>

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<sup>46</sup> R. Bedeski, “Challenges to Peace,” *op cit*.

<sup>47</sup> P. Norton, “Ending the Korean Armistice,” *op cit*. Norton notes that neither Russia nor Japan were signatories to the Armistice nor major belligerents in the Korean War and their participation in any final resolution of the Korean War would be purely political.

<sup>48</sup> The text is found at: <http://www.asean.org/news/item/treaty-of-amity-and-cooperation-in-southeast-asia-indonesia-24-february-1976-3>

Obviously, a Northeast Asian TAC would require the two Koreas to end their contest over national identity and for all states in the region to resolve peacefully their territorial disputes and without resort to military threat<sup>49</sup>--a far cry from today's confrontations. However, this treaty framework combined with a political conference to declare termination of hostilities and to end the Armistice Agreement are preferable to a bilateral or even quadrilateral peace treaty that does not create a regional institutional framework for conflict resolution. As an interim or "pre-step" to a treaty, the main belligerents to the Korean conflict could issue a "peace agreement" or "declaration" of intent to end the Korean War.

Skeptics argue that the region's states not only have enormous accumulated historical distrust, but also political, ideological, economic, and military interests that are too a-symmetrical, divergent, and disparate for a NEA-TAC to be feasible. Indeed, a NEA-TAC is positively precluded due to the scale, intensity, and origins of these conflicting interests.<sup>50</sup> Moreover, no Association of Northeast Asian Nations pre-exists to lay the foundations of a NEA-TAC as did ASEAN for the SEA-TAC over a decade. Also, the SEA-TAC was driven by unifying fear created by the US withdrawal from Vietnam for which there is no equivalent today, in spite of the threat rhetoric projected by the DPRK; or the fear of rising Chinese in the two Koreas and Japan. Far from withdrawal, the United States projects its political and military power into the region on the basis of its "rebalancing" strategy, including forward deployment of US military forces across the western Pacific. In short, the military-led "pivot," lacking as it does a China engagement strategy in US policy to match President Xi's desire for a new model great power relationship, works against the very concert between China and the United States that would be needed to bring about a NEA-TAC, and the DPRK perceives that this contentious relationship is unlikely to change any time soon.

In this vein, the DPRK itself argues (see MOFA 2012 Statement, Attachment I) that it is the victim of the Obama pivot and portrays itself to be the only reason for US military forces to remain in the region:

*The only country that the U.S. can consider as its enemy in Northeast Asia is the DPRK. Each of [the] big countries normally would not describe the other as an enemy. It means that the U.S. will perceive the DPRK as its enemy for the purpose of augmenting its armed forces for such a long time so as to realize its new defense strategy.*

As a result of the United States' posture, the DPRK perceives that for the foreseeable future, the great powers will prefer to rely on their own respective power assets for security rather than invest in a common security strategy and framework that would extend to the DPRK, and therefore, they are obliged to go-it-alone, including development of a nuclear weapons force. In short, for all the DPRK's talk of a non-hostile relationship, the demand for a bilateral peace treaty, and the quest for a peace regime in Korea, the DPRK finds it incredible that the United States and China could come to terms in a way that makes it safe for the DPRK to commit to an irreversible peace regime, come to a political settlement of the war, and end the Armistice by creating a new military management system for the Demilitarized Zone and related denuclearization and redeployment, reduction, and demobilization of the conventional military in the two Koreas.

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<sup>49</sup> Don Emmerson, "A Northeast Asian TAC?" paper to New Approach to Security in Northeast Asia: Breaking the Gridlock Workshop, Nautilus Institute, October 4, 2012, at: <http://nautilus.org/projects/by-name/korea-japan-nwfz/workshops/gridlock/papers-presentations/#ixzz3BRadYqQT>

<sup>50</sup> Don Emmerson, *op cit*.

In this conclusion, the North Koreans may be right. China and the United States' respective stakes in Korea and the future of North Korea, no matter how good or bad, are relatively small compared to their stakes in their bilateral relationship, in relation to American allies in Asia and the Pacific, especially Japan and the ROK, in the Taiwan Straits, and in other shared global imperatives in which US and Chinese leadership is either contentious or required.

Conversely, it may well be possible to advance a NEA-TAC from a different origin altogether than in Southeast Asia. In many respects, the DPRK's nuclear breakout and the threat of further proliferation and/or of war and nuclear war in Korea and over Taiwan are far more realistic and urgent than those that drove the Southeast Asian nations to establish the Southeast Asian Nuclear Weapons-Free Zone.

Thus, as Don Emmerson suggests,<sup>51</sup> it may be possible in Northeast Asia to start the political process that leads to a comprehensive security settlement by negotiating with the DPRK to end its nuclear weapons program, thereby demonstrating that significant security benefits may arise from US-Chinese concert in cooperation with other interested parties, and setting the stage thereby for a NEA-TAC to be created at the same time as or as a result of a NEA-NWFZ (which would take 1-3 years to negotiate, and 3-10 years to implement fully)—the exact opposite of the sequencing of the SEANWFZ and the SEA-TAC.

It is important to note that of the security benefits that would flow eventually from a NEA-NWFZ, the elimination of DPRK nuclear threat is only one and a relatively small one at that of the benefits that would flow from a NEA-NWFZ. Such a Zone would not only deepen the non-nuclear commitments of the ROK, Japan and likely Taiwan; it would also curtail the Chinese threat of first-use against the ROK, Japan, and Taiwan; and ameliorate the risk that the United States, China, or Russia would use or threaten to use nuclear weapons in or around the region against each other. In other words, the co-benefits of jointly solving the DPRK nuclear issue are substantial and would rebound to the benefit of all parties, not just the United States and the DPRK.

## 5. FIRST STEPS FOR REDUCING HOSTILITY

As should be obvious by now, a non-hostility agreement per se has some symbolic value, but in itself, does almost nothing to realize a non-hostile relationship. Hostility reflects enmity; and enmity reflects past behaviors, ideology, and interests worth fighting wars over. Overcoming enmity in turn requires building a constructive and enduring peace.

In such an over-determined set of strategic circumstances, states need to move simultaneously on multiple fronts to identify where progress towards making peace is possible and where it is not at any point in time. The complexity of this situation makes it impossible to point to a single pathway out of the maze of hostility. It also means that there are multiple successful pathways available for the taking—if only we can discern them and find the starting points. A peace process is designed to identify these pre-steps. Common-sense suggests that such pre-steps should focus on reaffirming and specifying with greater clarity already existing agreements; on realizing near-term and intermediate, not ultimate outcomes; and on the specification of clear standards and understanding of terms used in past agreements.<sup>52</sup>

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<sup>51</sup> Don Emmerson, *op cit*.

<sup>52</sup> Institute for Security and Development Policy, *Toward a Roadmap for Peace and Stability, op cit*, May 2014, pp. 8-9.

Conversely, given the two phases of failed geo-strategic engagement and failed reversal of US hostility on the part of the DPRK, and its entry into a dangerous third phase of frustrated self-reliance, it would be unwise to simply resume the negotiations where they left off at the last round of the Six Party Talks. Instead, it is crucial to introduce radical new elements including a re-ordering of the strategic landscape implied by a comprehensive security settlement, a realistic pathway to ending nuclear threat against the DPRK, and a realistic regional energy development framework that could enable the DPRK to commence the reconstruction of its collapsed economy. In addition to the step-ladder below, it is also likely that a major symbolic event likely will be necessary to move the process forward. The spectacle of the New York Philharmonic Orchestra playing the Star Spangled Banner in Pyongyang could have led to reciprocal visits by DPRK musicians in the United States in 2008. This is the type of symbolic recognition craved by the DPRK's leadership that would pave the way for breakthrough on matters of high politics and hard nuclear security.<sup>53</sup>

This analysis suggests that the best sequence to start out with would be for states to take the following tentative steps to start the process of comprehensively settling security issues in Northeast Asia, with a view to first reversing and restoring the non-nuclear status of Korea, and then reducing the risk and the threat of nuclear war:

- Resume the Six Party Talks: although imperfect, the Six Party Talks are now the only rubric that already includes Japan and is already approved by the highest levels of the Chinese and Korean governments. Given historical issues, it is difficult to create a new body which includes Japan and have that body be approved by Beijing and Seoul;
- At the Six Party Talks, jointly examine closely the pros and cons of various permutations of a NEA-NWFZ, as called for by the UN Secretary General in July 2013, possibly by appointing an expert eminent persons' group to report back in short order;<sup>54</sup> if persuasive to states, commence the drafting a NEA-NWFZ text for review and adoption at the Six Party Talks;
- At the Six Party Talks, have the institutional working group examine in depth the legal, monitoring and verification, and other critical issues in a regional NWFZ that supports the systematic denuclearization and dismantlement of the DPRK's nuclear weapons program;
- At the Six Party Talks, if sufficient political will emerges, have the regional Nuclear Weapons States declare that negative security assurances with regard to nuclear threat and nuclear attack will be availed to all non-nuclear parties who become compliant with a NEA-NWFZ, contingent upon the extent to which the parties are in accord with their NPT and IAEA obligations;
- At the Six Party Talks, in the context of regional energy network investment, identify technical assistance to the DPRK that contributes to regional energy security;
- At the Six Party Talks, examine the rationale for regional uranium enrichment consortia and spent fuel storage and disposal services, and possible provision of small light water reactors to the DPRK in lieu of the KEDO gigawatt-sized LWRs;

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<sup>53</sup> See the NY Philharmonic performance at: [https://www.youtube.com/watch?v=RxDWQ\\_J2mbU](https://www.youtube.com/watch?v=RxDWQ_J2mbU)

<sup>54</sup> In July 2013, the report of the UN Secretary General on the work of the Advisory Board on Disarmament Matters made the recommendation that "the Secretary-General should also consider appropriate action for the establishment of a nuclear-weapon-free zone in North-East Asia." And, "The Secretary-General should also consider appropriate action for the establishment of a nuclear-weapon-free zone in North-East Asia, including by promoting a more active role for the regional forums in encouraging transparency and confidence-building among the countries of the region." In *Work of the Advisory Board on Disarmament Matters, Report of the Secretary-General*, UN General Assembly, A/68/206 26 July 2013 at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=a/68/206](http://www.un.org/ga/search/view_doc.asp?symbol=a/68/206)



- At the Six Party Talks, propose that the UN Security Council mandate the convening in Geneva (or some other neutral venue) of a political conference of the four belligerent states (two Koreas, United States, China) to negotiate and to declare the termination of hostilities and ending of the Armistice, and to define the post-Armistice military management mechanisms, including a reconstituted Military Armistice Commission to oversee notification of exercises and major military movements, redeployment and reductions of military forces, and management of peaceful uses of the DMZ, to be submitted back to the UN Security Council for final endorsement. The fact that these conventional military arms control and disarmament measures might be seen by the KPA as reducing the DPRK's conventional deterrence underscores the need to attend first to the nuclear threat issue,<sup>55</sup> as suggested above in relation to a NWFZ;
- For the United States at that time to inform the UN Security Council that the unified command mandate is no longer required and that UN Command has been dismantled;
- For the four parties to define a set of post-Armistice military management arrangements to manage the Demilitarized Zone, to settle the northern limit line dispute (preferably by a joint management scheme as suggested in past dialogues between the DPRK and ROK leaderships), to design the redeployment of conventional forces, limits on offensive conventional forces, and to implement inspection arrangements including activating the inter-Korean Military Commission inspectorate; and a role for a reconstituted Military Armistice Commission including monitoring and verifying compliance on these military measures, and to report violations to the Council of a NEA-TAC if it exists, or to the UN Security Council if it does not.
- At the Six Party Talks, initiate dialogue on the pros and cons of a NEA-TAC, especially the appropriate non-hostility language modelled closely on the SEA-TAC that five of six parties have already signed in the SEA regional context, and review the design and implementation of a Council that would rule on disputes that cannot be resolved bilaterally arising from a NEA-NWFZ treaty, or from other regional security issues requiring peaceful resolution. If there is sufficient consensus, draft a NEA-TAC text for discussion and review by states and third parties that would likely accede after a NEA-TAC is established by the six "high contracting parties," that is, the two Koreas, China, Japan, Russia and the United States. At some point in the negotiation, the DPRK and the United States would announce their intention to normalize diplomatic relations, contingent upon both parties acceding to the NEA-TAC. As Bedeski notes, a peace treaty is not necessary for diplomatic relations between former warring parties.<sup>56</sup>

## 6. CONCLUSION: REDUCING HOSTILITY REQUIRES LEADERS TO GO BEYOND REALIST OPTIONS

As noted earlier, the MOFA 2012 Statement argued that the pivot is intended to keep a US foothold in Eurasia so that it can project power against unspecified great powers, but which the DPRK clearly views to be China. Thus, the DPRK has fallen victim to the exercise of great power, and is maneuvering to survive being crushed between China and the United States. Nowhere does the DPRK articulate a vision for a stable geo-strategic landscape that would provide it with security. Instead, the DPRK seems to be stuck in

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<sup>55</sup> As pointed out by L. Sigal, "Replacing the Armistice With A Peace Treaty in Korea", *NAPSNet Policy Forum*, March 26, 2013, <http://nautilus.org/napsnet/napsnet-policy-forum/replacing-the-armistice-with-a-peace-treaty-in-korea/>

<sup>56</sup> R. Bedeski, "Challenges to Peace," 1997, *op cit*. Thus, while Japan and China negotiated their 1978 treaty of peace and friendship to end their World War II hostilities, the ROK and China did not in 1991 when they established diplomatic relations thereby ending the implicit state of war between them.

a small power worldview that assumes that the structure of international relations is defined solely by great power, and within that structure, by evolving ratios of military power, backed by economic power.

In realist terms, the DPRK has now balanced against the United States by aligning strategically with China to a degree almost incomprehensible only a few years ago. Too small to reshape the strategic environment on its own, the DPRK first strove to maneuver strategically and to create space between the great powers that it could then exploit. Facing an obdurate United States and an increasingly irritated China, the DPRK is focused now on the Japanese and Russian option to keep the other powers off-balance. However, in the long-run, neither of these options will suffice to generate the resources for economic recovery, and both will continue to implement sanctions so long as the DPRK pursues nuclear weapons. Boxed in from four directions, the DPRK has only one other strategic angle on which to maneuver—facing south. Currently, it is seeking to dictate the terms of a DPRK-ROK rapprochement, in part to secure resources needed for stability in the North; but also to push the White House to change. When, as seems inevitable today, that strategy fails, the DPRK may revert to threatening the ROK again, including via nuclear war against US forces in Korea.

To the extent that such threats, if acted on, would be suicidal, this tactic is a-strategic. It simply underscores that the DPRK is a bankrupt small power lacking a modern military force and armed solely with crude nuclear devices. The DPRK's nuclear weapons can kill many people and destroy large areas of nature and cities, and maybe hit some opposing military forces if they are lucky. They are a primitive weapon that symbolizes weakness, not strength. The DPRK's nuclear armament its adversaries to isolate, ignore, target, and outlast the DPRK regime, not engage it in any manner. The more the DPRK attempts to translate nuclear threat into political and military advantage, the more this threat devalues itself as it is matched easily, without almost any marginal effort, by the Nuclear Weapons States that surround it—not just from the United States, but, to the extent that the DPRK's nuclear forces project a credible threat outside its borders in all directions, also from Chinese and Russian nuclear forces.

In this view, a small state like DPRK, surrounded by great powers and confronting a middle sized adversary on its southern boundary, can survive only by combining agility with confrontation. Speed creates space for a small power if it can manipulate great powers to collide with each other. Thus, although it is too small to reshape the strategic landscape defined by the great powers, adroit manipulation of these powers combined with acute perception of the opportunities presented by the shifting great power balance in its immediate vicinity presents the opportunity to the DPRK to derive power from the context itself rather than mobilizing its domestic resources to create assets that endow it with political, military, economic, technological or cultural assets as the basis for potential power and influence. Among political scientists who analyze small power strategies to survive great power security threats, this is known as strategic maneuvering.<sup>57</sup> In addition to accommodating partly great power demands without becoming subservient to any one in particular, this strategy also aims to keep great power adversaries off balance—although the guerilla ambush effect diminishes with each use. Also, the DPRK uses sheer ferocity to confront great powers or to keep them distant by creating the perception that they may face

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<sup>57</sup> See M. Scheldrup, Macklin, "Lilliputian Choice: Explaining Small State Foreign Policy Variation," International Affairs Departmental Honors Thesis, University of Colorado-Boulder, paper 191, April 1, 2014, at: [http://scholar.colorado.edu/cgi/viewcontent.cgi?article=1190&context=honr\\_theses](http://scholar.colorado.edu/cgi/viewcontent.cgi?article=1190&context=honr_theses)

disproportionate costs if they force the DPRK to capitulate, leaving the DPRK with an escape route. The DPRK's strategic maneuvering is based on its ability to damage global public goods like the non-proliferation regime, to act as a spoiler state in regional cooperation, to behave as a stalker state in pursuing the United States at various times, but none of these strategies provides it with influence beyond its borders. No-one wants to emulate the DPRK; no-one relies on the DPRK for support in any manner.

The ROK avoided this small power dilemma by integrating its military into a great power (the United States) and its economy into two great powers, the United States and China. In so doing, South Korea is on favorable terms with North Korea's ally (China) and long-time nemesis (the United States). South Korea also shifted from a small state survival strategy aimed at manipulating the great powers to a middle power "complex, networked foreign policy" based on exploiting its positional and ideational power that exists solely by virtue of its position in the structure of inter-state relations that defines the Korean security dilemma.<sup>58</sup>

To date, the DPRK's approach to ending hostility and overcoming its splendid isolation has originated in the realist, small power worldview, reinforced by six decades of survival using this technique. This approach is obsolete and given the radical shift in its former alliances, the DPRK has only its own dwindling military and already exhausted economic resources on which to draw in attempting to manipulate the great powers. When its greatest power and primary adversary refuses to be drawn into the Six Party Talks arena, the DPRK has no strategy and is forced to substitute rhetorical aggression and low-level military provocation for the exercise of power. Unlike Britain's splendid isolation during the Napoleonic Wars and subsequent involvement in continental European balancing of power during the Bismarck era, the DPRK is retreating yet again into its borders and away from its dependency on China which it views as a revisionist power that has abandoned revolutionary principle and become a "bad neighbor" that slanders the DPRK.

The DPRK's phase three approach of relying on nuclear weapons as the core of its self-reliance strategy is not only vacuous in power terms; it does nothing to transform the geo-strategic landscape to establish a new set of relationships and foundations for relationships that would actually lead to reduction in hostility; and does nothing to reduce the external restraints imposed by the United States and others that now hinder the massive domestic structural adjustments needed for the DPRK to resume economic growth—Kim Jong Un's ostensible primary goal of *byungjin nosun* /병진노선 /平行发展, as declared in his 2014 New Year's Speech.<sup>59</sup>

The DPRK may be right that only a "bold and fundamental change in its cold war mindset to renounce its anachronistic policy toward the DPRK" on the part of the United States can change the current standoff and lead to positive security outcomes. In particular, the pivot policy has lacked a diplomatic engagement dimension commensurate with the military components in relation to China leaving the United States lacking an effective China policy and possibly lacking any comprehensive China policy. But equally, the

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<sup>58</sup> Young-Sun Ha, 'Path to an Advanced North Korea by 2032: Building a Complex Networked State', in *EAI Asia Security Initiative Working Paper*, ed. by EAI (East Asia Institute, 2011), pp. 11-12; and Sangbae Kim, 'Roles of Middle Power in East Asia: A Korean Perspective', in *International Conference on the Role of Middle Power in the 21st Century International Relations*, Korean Association of International Studies, Seoul, 2013.

<sup>59</sup> Peter Hayes and Roger Cavazos, "Kim Jong-un's "Fresh Leap Forward" 2014 New Year Speech", NAPSNet Special Reports, January 01, 2014, <http://nautilus.org/napsnet/napsnet-special-reports/kim-jong-uns-fresh-leap-forward-2014-new-year-speech/>

DPRK appears to lack the conceptual basis for surpassing its traditional reliance on a simplistic realist strategy and the adoption of a constructivist approach that recognizes the need to build norms and contribute to institutionalized communication, cooperation, and collaboration that tied down the great powers in a web of relationships—what South Koreans have called the Wolf Spider strategy.

A comprehensive security settlement that would realize the very preconditions needed for a structural transformation to occur in Northeast Asian security affairs in favor of the survival of a small, weak state like the DPRK demands a radical change in its strategies and tactics, far beyond the trust-talk envisioned by Kim Yong Sun in 1993 or indeed, as advanced by President Park Guen Hye in 2012.

That this could occur is conceivable, but only just. North Koreans liked to say in the nineteen nineties that the nuclear issue was the barrier that made the water flow. By this they meant that they were compelling the United States to change its hostile policy towards the DPRK; but also, at the same time, nuclear confrontation with the United States would expose the limits of a hardline policy inside the DPRK, and set the scene for domestic change. Kim Jong Un faces even more severe domestic policy imperatives than his father, and more stringent external restraints than ever before. Nobody knows what Kim Jong Un's would respond should options open up that enable him to lever the DPRK away from China's strategic and from DPRK vantage point, potentially strangling embrace.

One of the facts about great powers is that while they may rise and fall, they rarely disappear quickly, whereas small powers appear and go out of business relatively often. Time is not on the DPRK's side in the long run. A seasoned American theorist of conflict resolution once wrote, "If the other side has big guns, you do not want to turn a negotiation into a gunfight." He continues:

The stronger they appear in terms of physical or economic power, the more you benefit by negotiating on the merits. To the extent that they have muscle and you have principle, the larger a role you can establish for principle the better off you are.<sup>60</sup>

To date, the DPRK has relied on the vagaries of the evolving balance of power as the foundation of its security and even survival. As relatively unconstrained great power becomes enmeshed in webs of interdependence, adherence to universal norms, construction of regimes and legal frameworks, codification of practices, and shared public goods created in the course of globalization of almost every aspect of human existence, this foundation has crumbled. Like the ROK, the DPRK has to find a post-modern pathway to transcend realist-based survival strategies that have been superseded by political, economic, technological, and even cultural forces that are bigger than any state, even the United States.

Finding its niche role in the structure of international affairs that swirl around the Korean Peninsula whereby the DPRK can add value and contribute to joint public goods is the only way to break out of its downward spiral whereby the regime disappears, eventually, into the vortex of mass politics exercised in a traditional, orthodox Korean manner. Ironically, if the DPRK elected to denuclearize in a Northeast Asia Nuclear Weapons-Free Zone to obtain the long-sought after guarantee of non-attack with nuclear weapons by the United States, this framework that would enable it would create security benefits for its neighbors with respect to each other—most importantly, for China and Japan. Thus, in a comprehensive security

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<sup>60</sup> Roger Fisher, William Ury, *Getting to Yes, Negotiating an agreement without giving in*, Random House, New York, 1991, p. 54, at: <http://6thfloor.pp.fi/fgv/gettingtoyes.pdf>

settlement, it is possible even for the DPRK to build an enduring peace regime not only in Korea, but in the region as a whole.

Surprise is one of the few constants in international affairs. Without a peace process, we can be almost certain that we will be ambushed by bad, unpleasant change. With a peace process, it is conceivable that the US-DPRK engagement will generate outcomes that are impossible to predict, but have a more than even chance of leading via several possible pathways to peace regime in Korea, the end of the Armistice, a new peace mechanism in the region and in Korea, and comprehensive security settlement in the region as a whole.

## ATTACHMENT ONE:

“DPRK Terms U.S. Hostile Policy Main Obstacle in Resolving Nuclear Issue,” KCNA August 31, 2012, at:

<http://www.kcna.co.jp/item/2012/201208/news31/20120831-21ee.html>

Pyongyang, August 31 (KCNA) -- The Foreign Ministry of the Democratic People's Republic of Korea released a memorandum Friday, terming the U.S. hostile policy towards DPRK the main obstacle in resolving the nuclear issue.

Following is the full text of the memorandum:

On July 20 last, the Ministry of the Foreign Affairs of the Democratic People's Republic of Korea (DPRK) announced that it has reached the point of having to completely reexamine the nuclear issue due to the continued U.S. hostile policy towards the DPRK.

The U.S. hostile policy is the root cause that has turned the Korean peninsula into the most dangerous hotspot in the world and it is also the main obstacle to durable peace and stability.

The nuclear issue on the Korean peninsula is none other than the outcome of the U.S. hostile policy and therefore, only when the U.S. abandons its hostile policy, will it be possible to resolve the issue.

The Ministry of the Foreign Affairs of the DPRK issues the following memorandum to shed light on the contrast between the U.S. claim of having no hostile intent towards the DPRK and its actual behavior.

### I. The hostile concept that blocks the settlement of the nuclear issue

An important agreement was announced on February 29, 2012 as a result of the high-level talks between the DPRK and U.S. The U.S. reaffirmed that "it no longer has hostile intent towards the DPRK and that it is prepared to take steps to improve the bilateral relations in the spirit of mutual respect for sovereignty and equality and agreed to provide a substantive amount of food assistance to the DPRK. The DPRK, considering the concerns of the U.S., agreed to a moratorium on nuclear tests, long-range missile launches and uranium enrichment activity while productive dialogues continue.

However, when the DPRK launched the "Kwangmyongsong 3", an artificial satellite for peaceful purposes, on April 13 last, the U.S. took issue with it, arguing that the space launch was based on the same technology with the long-range missile launch and went ahead with unilaterally abrogating the February 29 Agreement, upgrading sanctions on the DPRK.

It is true that both satellite carrier rocket and missile with warhead use the similar technology. However, when other countries conduct satellite launch, the U.S. neither takes an issue with any of it, calling it a missile launch, nor takes actions like imposing sanctions. The U.S. saw our satellite carrier rocket as a long-range missile that would one day reach the U.S. because it regards the DPRK as an enemy.

That is the reason why the ever-first agreement reached between the DPRK and the U.S. since the

Obama administration took office ended up with failure as other previous DPRK-U.S. agreements.

At the beginning of DPRK-U.S. bilateral talks held during the Clinton administration, the U.S. pledged on “assurances against the threat and use of force, including nuclear weapons.” (DPRK-U.S. Joint Statement, June 11, 1993)

At the final stage of the bilateral talks, the U.S. agreed to “move towards full normalization of the political and economic relations” with the DPRK. (DPRK-U.S. Agreed Framework, October 21, 1994)

The U.S. also declared that it would not have hostile intent towards the DPRK. (DPRK-U.S. Joint Communique, October 12, 2000)

However, all these commitments were not honored but were broken off overnight with the change of each U.S. administration.

The Bush administration turned down all the DPRK-U.S. agreements reached during the Clinton administration, listed the DPRK as an "axis of evil" and singled it out as a target of preemptive nuclear strike. (State of the Union Address, January 30, 2002 and Nuclear Posture Review, March 2002)

The extremely dangerous hostile policy pursued by the Bush administration forced the DPRK to withdraw completely from the NPT and direct its peaceful nuclear power industry for producing electricity to the building-up of self-defensive nuclear deterrent.

At the six-party talks, the U.S. affirmed that it has "no intention to attack or invade the DPRK with nuclear or conventional weapons". (Joint Statement of the Six-Party Talks, September 19, 2005)

As action steps to implement the September 19 Joint Statement, the U.S. gave assurances that it would improve the relations with the DPRK and move towards the full diplomatic relations. (Six-Party Talks Agreements, February 13 and October 3, 2007)

However, four years has elapsed since the last round of the six-party talks, which was held in December 2008 and it is not yet resumed. During the intervening time, the level of U.S. hostility towards the DPRK was not lowered but further increased.

The first step the Obama administration took towards the DPRK was taking issue with the DPRK's launch of peaceful satellite “Kwangmyongsong 2”.

The U.S. extreme hostile policy aimed at depriving the DPRK of its sovereign right for peaceful use of the outer space, the right recognized by international law, called upon the DPRK's self-defensive response, namely another nuclear test. It again led to the repetition of the vicious cycle of mistrust and confrontation; the U.S. imposed ever-harsh sanctions on the DPRK and the DPRK responded by starting the construction of light-water reactor (LWR) on its own and the production of enriched uranium to meet the fuel need for the LWR.

The reality proves that unless the long held hostile concept of the U.S. towards the DPRK is rooted out as a whole, nothing can be resolved but the confrontation and the risk of conflict would rather increase.

In the early stages of the DPRK-U.S. talks, the DPRK maintained that the U.S. should first abandon its hostile policy, in order to resolve the nuclear issue, whereas the U.S. insisted that the DPRK should first give up its nuclear program in order to normalize the DPRK-U.S. relations.

In the process, thanks to the sincerity and generosity of the DPRK, the principle of simultaneous action steps, known as "word for word" and "action for action", was agreed upon and served as the basis for the dialogue.

The 20 year-long history of the talks between the DPRK and the U.S. has shown that even the principle of simultaneous action steps is not workable unless the hostile concept of the U.S. towards the DPRK is removed.

## 2. The root of the U.S. hostile policy towards the DPRK

The hostile policy of the U.S. towards the DPRK has deep historical roots.

Post-war generation in the U.S. and other countries has no proper understanding of the historical roots of the U.S. hostile policy towards the DPRK; they do not know the fact that the nuclear issue on the Korean Peninsula stems from the U.S. hostile policy towards the DPRK and even misunderstand that the U.S. is hostile to the DPRK because of the nuclear issue.

The fact is that the U.S. hostility towards the DPRK is not based on the nuclear issue of the Korean Peninsula. The DPRK had no other choice but to develop nuclear weapons, because of the hostile policy and the increasing nuclear threat from the U.S. which is the world's biggest nuclear power.

From the very beginning, the U.S. defined the DPRK as an enemy and refused to recognize its sovereignty. The U.S. continued to step up its hostile moves against the DPRK, with the ultimate goal of overthrowing the political system of our people's choice.

The institutional and legal mechanism against the DPRK has been in place long before the rise of the nuclear issue. Military attacks and nuclear threats aimed at eliminating our ideology and system have been openly committed, and economic sanctions and international pressure for isolating and suffocating the DPRK have been persistent.

The end of World War II meant the beginning of the Cold War between the East and the West.

The U.S. needed a bridgehead to contain the "southward expansion" of the then Soviet Union and to make an inroad into the Eurasian continent. It was out of this requirement that the U.S. hurriedly drew a line along the 38th parallel before the surrender of Japan in order to secure that bridgehead. This led to the tragic division of the Korean nation and its territory.

For the U.S. engaged in the Cold War, the area south of the 38th parallel was its ally and that north of it was the enemy.

It is a general international practice for the states to establish diplomatic relations with new independent sovereign state. The establishment of diplomatic relations between countries does not necessarily mean specially favorable sentiment or close friendship; it is an indication of political stand that they regard



each other as an equal part of the international community.

Despite the differences in political ideology and system, the U.S. established diplomatic relations with the former Soviet Union as well as other socialist countries in the Eastern Europe. However, the U.S. refused even to call the DPRK by its official name, to say nothing of the establishment of diplomatic relations.

The UN recognized the sovereignty of the DPRK when it joined it in 1991. The DPRK currently maintains diplomatic relations with 166 countries which account for about 86 per cent of the UN membership. The U.S., however, refuses to recognize the DPRK as a sovereign state with whom it may co-exist in the international community.

Out of 193 member states of the UN, only the DPRK, together with Iran and Cuba have no diplomatic ties with the U.S. This clearly shows that the U.S. pursues extremely hostile policy towards these countries ? unprecedented case in the history of contemporary international relations.

Hostile policy of the U.S. towards the DPRK finds its most clear expression in military area.

The DPRK and the U.S. have been technically at war against each other for more than sixty years even after the end of war; no comparable example can be found in the modern history.

The Korean Armistice Agreement concluded on July 27, 1953, is by no means an agreement that officially ended the war. Nor is it a lasting peace treaty. The Korean Armistice Agreement was the transitional measure aimed at withdrawing all foreign troops from the Korean Peninsula and ensuring permanent peace.

However, the U.S. deliberately chose to prolong the status of armistice.

In November 1953, the U.S. defined as its ultimate goal on the Korean Peninsula to maintain the ceasefire regime, to make south Korea its "military ally" and prevent the spread of communism across the entire Korean Peninsula until "pro-U.S. unification" is achieved. (US NSC Resolution No. 170)

Accordingly, the U.S. intentionally broke off the Geneva conference on peaceful resolution of the Korean issue in June 1954 and violated and nullified the key provisions of the Korean Armistice Agreement step by step by introducing modern military equipment including nuclear weapons into south Korea and by stepping up aggressive military exercises.

The U.S. turned down numerous peace proposals and initiatives put forward by the Government of the DPRK, such as the proposal for the conclusion of a peace treaty between the DPRK and the U.S. (1970s), tripartite talks proposal to include south Korea in the DPRK-U.S. talks (1980s), proposal for establishing a new peace mechanism (1990s).

The DPRK, China, U.S. and south Korea sat for the four-party talks in the late 1990s to set up a lasting peace regime on the Korean Peninsula. However, the talks could not produce any result, due to the absence of sincerity on the U.S. side.

At the beginning of the new century, the DPRK proposed that the signatories to the Korean Armistice

Agreement sit together to discuss on declaring the end of the war and that the talks should be held to replace the Armistice Agreement with a peace treaty on the occasion of the 60th year of the Korean War outbreak. (Declaration for the development of North-South relations and peace and prosperity, October 4, 2007 and Statement of the Ministry of Foreign Affairs of the DPRK, January 11, 2010). However, the U.S. turned a blind eye to all the above proposals.

The U.S. remains unchanged in its dogged position as regards the peace proposals of the DPRK; the U.S. position is that the conclusion of peace treaty is premature and the ceasefire regime is to be maintained. This means that the U.S. would continue to regard the DPRK as its enemy and warring party.

The U.S. has an array of different categories of war plans and scenarios targeting the DPRK, such as "OPLAN 5029", "OPLAN 5030", "OPLAN 5012", etc.; all these plans are for making the armed invasion of the DPRK and setting up its military rule.

It is pursuant to these war plans that the U.S. keeps on conducting various kinds of joint military exercises, such as "Focus Retina", "Freedom Bolt", "Team Spirit", "RSOI", "Key Resolve", "Fool Eagle", "Ulji Freedom Guardian", etc. All the above exercises seek to achieve the same goal but are conducted in different names.

The U.S. economic sanctions against the DPRK are an important tool for the pursuit of its long-standing hostile policy towards the DPRK.

The U.S. curtails trade with the DPRK and imposes all sorts of economic sanctions on such accusations that DPRK threatens regional stability, does not cooperate with the U.S. in its anti-terrorism efforts, engage in proliferation of weapons of mass destruction and that the DPRK is communist state, nonmarket economy, etc. (U.S. Congressional Research Service Report, April 25, 2011)

In particular, economic sanctions imposed on the DPRK before the rise of the nuclear issue have nothing to do with the nuclear issue and merely reflect the U.S. hostile concept towards the DPRK.

Having defined the DPRK as a "Marxist-Leninist state with a communist government", the U.S. has long maintained sanctions against the DPRK. (Export-Import Bank Act of 1945, as amended, and Foreign Assistance Act of 1961)

The U.S. began to apply the Trading with the Enemy Act to the DPRK from December 1950. A few days later, the U.S. Department of the Treasury issued Foreign Assets Control Regulations to forbid any financial transactions involving, or on behalf of, the DPRK.

On June 26, 2008, more than half a century later, the then U.S. President Bush took measures to terminate the application of the Trading with the Enemy Act (TWEA) as regards the DPRK, pursuant to the agreement reached at the six-party talks. However, on the same day, Bush declared a state of emergency, saying that the weapons-usable fissile material in the possession of the DPRK constitutes an unusual and extraordinary threat to the security of the U.S. and that other provisions of sanctions on the DPRK should remain effective under the terms of the International Emergency Economic Powers Act and the National Emergencies Act. It meant that all property and interests of the DPRK which had been blocked as of June 16, 2000, would remain to be blocked and that a U.S. national would not be allowed

to register, own, lease, operate or insure a vessel flagged by the DPRK.

The effectiveness of this measure has been intensified and extended annually by Obama who issued two Executive Orders ? i.e. No. 13551 (August, 2010), and No. 13570 (April, 2011). It means that the Trading with the Enemy Act ? nominally no longer applicable to the DPRK ? actually continues to maintain its effect under different name.

The Trade Agreement Extension Act of the U.S. required the suspension of Most-Favored-Nation trade status for all communist countries. However, this Act was applied to the DPRK as early as September 1, 1951 ? long before the establishment of the socialist system in the DPRK. As a result, the DPRK was denied normal trade relations with the U.S.

The DPRK tops the list of countries to which the U.S. applies highest rate of tariff. It means that the DPRK would have to pay the highest tariff if it is to export its products to the U.S. The DPRK and Cuba are the only countries to which the U.S. applies this rule. The Trade Act of 1974 defined the DPRK as a communist state. Therefore, the DPRK is denied mutually preferential treatment in trade relations with the U.S.

The extent of obsession with the hostile concept towards the DPRK on the part of the U.S. finds its clear expression in the terms and provisions of the U.S.-instigated United Nations Security Council resolution adopted in the wake of the DPRK's first nuclear test. The U.S. sneaked a provision that banned export and import of luxury goods as regards the DPRK ? a provision that has no relevance at all to the nuclear issue ? in the resolution and rushed it through. It was a mean and foolish plot to undermine the reputation of our supreme leadership and drive a wedge between the leadership and our people.

Although the U.S. nominally removed the designation of the DPRK from the list of state sponsors of terrorism on October 11, 2008, under the agreement reached in the course of the six-party talks, no sanctions on the DPRK had actually been eased or lifted in effect because those sanctions are overlapped by the different U.S. domestic laws under different pretexts.

The sanctions listed above are only a tip of the iceberg of the economic sanctions which the U.S. applies to the DPRK.

According to the 2006 statistics published by the U.S. Congressional Research Service, the U.S. imposes some forty different kinds of sanctions on the DPRK; however, only a quarter or so of these sanctions are based on the different political system.

The remaining three quarters of the sanctions ? sanctions under the pretext of "threat to the security of the U.S.", "proliferation of WMD", "sponsor of terrorism", "human rights", "religious freedom", "money laundering", "missile development", "human trafficking", etc., many of which are based on absurd allegations ? are applied at the discretion of the U.S. President or relevant departments of the U.S. administration.

It points to the unjustifiable discrepancy between the words and deeds of the U.S. administration that claims to having "no hostile intent".

Since the roots remain to be there, it takes more than words to remove them, the hostile concept.

### 3. To Renounce the Hostile Policy is a Prerequisite for the Settlement of Nuclear Issue

The U.S. hostile policy pursued by the U.S. makes the prospect of denuclearizing the Korean peninsula all the more gloomy.

At present stage, there is no possibility of the U.S. giving up its hostile policy towards the DPRK. The actions taken by the U.S. towards the DPRK gets more hostile day by day, despite the claims made by the U.S. authorities that they have "no hostile intent" towards the DPRK.

In April this year, they flagrantly violated the sovereignty of the DPRK by unjustly challenging our peaceful satellite launch. In the wake of this, there occurred an unprecedented incident; the U.S. army stationed in south Korea fired live bullets to the DPRK national flag, taking it as the target.

This was followed by the extreme provocative action on the part of the U.S. intelligence institution which manipulated south Korean intelligence plot-breeding agency to fabricate the plot to demolish statues of the peerlessly great persons of Mt. Paektu. At the same time, the bilateral and tripartite aggression war exercises are on the increase between the U.S. and its followers in and around the Korean Peninsula and their offensive nature and scope are steadily expanded and strengthened.

All facts show that the intensity of the U.S. hostility towards the DPRK is being escalated.

This has a nexus with the U.S. new defense strategy made public by the Obama administration on January 5, 2012.

This strategy envisages increasing the U.S. armed forces in the Asia-Pacific region to the level of 60 per cent of all its military stationed abroad by way of drawing down 10 percent of its armed forces stationed in Europe by 2020.

In general, the arms build up necessitates justification of the "existence or threat of the enemy". The only country that the U.S. can consider as its enemy in Northeast Asia is the DPRK. Each of big countries normally would not describe the other as an enemy. It means that the U.S. will perceive the DPRK as its enemy for the purpose of augmenting its armed forces for such a long time so as to realize its new defense strategy.

In addition, the new defense strategy does not guarantee that the U.S. will not occupy the whole Korean Peninsula through a direct armed invasion, in order to form its military encirclement around the big countries in Eurasia.

The prevailing situation urges the DPRK to prevent the recurrence of war in the Korean Peninsula by all means and make up thoroughgoing preparations to wage a war for national reunification, in case the war is inevitably forced upon us.

This is the motive and backdrop for us to completely reexamine our nuclear issue.

The U.S. has two ways.

One way is to make bold and fundamental change in its cold war mindset to renounce its anachronistic policy toward the DPRK, and thus contribute to the peace and security in the Korean Peninsula and pave the way for ensuring its own security.

If the U.S. shows such courage in action, we will be willing to respond to it.

The great leader Comrade Kim Jong Il said on August 4, 1997 that we did not intend to regard the U.S. as the sworn enemy but wished for the normalization of the DPRK-U.S. relations.

The respected Marshal Kim Jong Un wants to open up a new chapter for the development of relations with the countries friendly towards us, unbound to the past.

Another way is to continue down the U.S. hostile policy as of today, resulting in further expanding and building up of the DPRK's nuclear arsenal.

If the U.S. seeks to meet its further interests at the cost of sacrificing the DPRK's interests, it will be inevitably met by strong response from the DPRK.

The DPRK has already emerged as a full-fledged nuclear weapons state, and the era when the U.S. threatened the DPRK with atomic bomb has gone by. We will not sit idle watching the increased hostile moves of the U.S. but will make every effort to defend the destiny of the country and the nation.

It will be a great mistake to regard our strong position as a kind of tactics.

We opted for building up nuclear deterrent, not because we wanted to trade it off for something but because we had to counter off the moves of the U.S., the biggest nuclear power in the world, aimed at eliminating the DPRK.

Our nuclear deterrent for self-defense is a treasured sword that prevents war and ensures peace and stability on the Korean Peninsula.

If the U.S. does not make a right choice, the DPRK's nuclear possession will inevitably be prolonged, modernizing and expanding its nuclear deterrent capability beyond the U.S. imagination.

Pyongyang, 31 August 2012

## ATTACHMENT 2: FEBRUARY 29, 2011 LEAP YEAR US-DPRK AGREEMENT

State Department on U.S.–North Korea Bilateral Talks

<http://iipdigital.usembassy.gov/st/english/texttrans/2012/02/201202291425.html#axzz3B8fPKD5e>

*29 February 2012*

U.S. DEPARTMENT OF STATE

Office of the Spokesperson

February 29, 2012

STATEMENT BY VICTORIA NULAND, SPOKESPERSON

U.S.-DPRK Bilateral Discussions

A U.S. delegation has just returned from Beijing following a third exploratory round of U.S.-DPRK bilateral talks. To improve the atmosphere for dialogue and demonstrate its commitment to denuclearization, the DPRK has agreed to implement a moratorium on long-range missile launches, nuclear tests and nuclear activities at Yongbyon, including uranium enrichment activities. The DPRK has also agreed to the return of IAEA inspectors to verify and monitor the moratorium on uranium enrichment activities at Yongbyon and confirm the disablement of the 5-MW reactor and associated facilities.

The United States still has profound concerns regarding North Korean behavior across a wide range of areas, but today's announcement reflects important, if limited, progress in addressing some of these. We have agreed to meet with the DPRK to finalize administrative details necessary to move forward with our proposed package of 240,000 metric tons of nutritional assistance along with the intensive monitoring required for the delivery of such assistance.

The following points flow from the February 23-24 discussions in Beijing:

- The United States reaffirms that it does not have hostile intent toward the DPRK and is prepared to take steps to improve our bilateral relationship in the spirit of mutual respect for sovereignty and equality.
- The United States reaffirms its commitment to the September 19, 2005 Joint Statement.
- The United States recognizes the 1953 Armistice Agreement as the cornerstone of peace and stability on the Korean Peninsula.
- U.S. and DPRK nutritional assistance teams will meet in the immediate future to finalize administrative details on a targeted U.S. program consisting of an initial 240,000 metric tons of nutritional assistance with the prospect of additional assistance based on continued need.
- The United States is prepared to take steps to increase people-to-people exchanges, including in the areas of culture, education, and sports.
- U.S. sanctions against the DPRK are not targeted against the livelihood of the DPRK people.

### ATTACHMENT 3: DPRK FEBRUARY 29 2012 MOFA SPOKESMAN STATEMENT

DPRK Foreign Ministry Spokesman on Result of DPRK-U.S. Talks, February 29, 2012 at:  
at: <http://www.kcna.co.jp/item/2012/201202/news29/20120229-37ee.html>

Pyongyang, February 29 (KCNA) -- The spokesman of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea on Wednesday gave the following answer as regards questions raised by KCNA concerning the result of the latest DPRK-U.S. high-level talks:

Delegations of the Democratic People's Republic of Korea (DPRK) and the United States of America (U.S.) met in Beijing, China on 23rd and 24th of February for the third round of the high-level talks between the DPRK and the U.S.

Present at the talks were the delegation of the DPRK headed by Kim Kye Gwan, the First Vice Minister of Foreign Affairs, and the delegation of the U.S. headed by Glyn Davies, the Special Representative of the State Department for the DPRK Policy.

The talks, continuation of the two previous DPRK-U.S. high-level talks held respectively in July and October, 2011, offered a venue for sincere and in-depth discussion of issues concerning the measures aimed at building confidence for the improvement of relations between the DPRK and the U.S. as well as issues related with ensuring peace and stability on the Korean Peninsula and resumption of the six-party talks.

Both the DPRK and the U.S. reaffirmed their commitments to the September 19 Joint Statement and recognized that the 1953 Armistice Agreement is the cornerstone of peace and stability on the Korean Peninsula until the conclusion of a peace treaty.

Both the DPRK and the U.S. agreed to make a number of simultaneous moves aimed at building confidence as part of the efforts to improve the relations between the DPRK and the U.S.

The U.S. reaffirmed that it no longer has hostile intent toward the DPRK and that it is prepared to take steps to improve the bilateral relations in the spirit of mutual respect for sovereignty and equality.

The U.S. also agreed to take steps to increase people-to-people exchanges, including in the areas of culture, education, and sports.

The U.S. promised to offer 240,000 metric tons of nutritional assistance with the prospect of additional food assistance, for which both the DPRK and the U.S. would finalize the administrative details in the immediate future.

The U.S. made it clear that sanctions against the DPRK are not targeting the civilian sector, including the livelihood of people.

Once the six-party talks are resumed, priority will be given to the discussion of issues concerning the

lifting of sanctions on the DPRK and provision of light water reactors.

Both the DPRK and the U.S. affirmed that it is in mutual interest to ensure peace and stability on the Korean Peninsula, improve the relations between the DPRK and the U.S., and push ahead with the denuclearization through dialogue and negotiations.

Both sides agreed to continue the talks.

The DPRK, upon request by the U.S. and with a view to maintaining positive atmosphere for the DPRK-U.S. high-level talks, agreed to a moratorium on nuclear tests, long-range missile launches, and uranium enrichment activity at Nyongbyon and allow the IAEA to monitor the moratorium on uranium enrichment while productive dialogues continue.



ATTACHMENT 4: CONFIDENTIAL MINUTE TO 1994 US-DPRK AGREED FRAMEWORK

CONFIDENTIAL MINUTE

Geneva, October 21, 1994

In connection with the Agreed Framework between the United States of America (U.S.) and the Democratic People's Republic of Korea (DPRK), the two sides decided upon the following understandings and definitions applicable to the actions described in the Agreed Framework:

1. The LWR project will consist of two reactors with a generating capacity of approximately 1,000 MW(e) each. It is anticipated that completion of the second LWR unit will occur approximately one to two years after completion of the first LWR unit.
2. In the event that U.S. firms will be providing any key nuclear components, the U.S. and the DPRK will conclude a bilateral agreement for peaceful nuclear cooperation prior to the delivery of such components. Such agreement will not be implemented until a significant portion of the LWR project is completed.
3. The freeze on the DPRK's graphite-moderated reactors and related facilities will consist of: no refueling or operation of the 5 MW(e) experimental reactor; freezing construction of the 50 MW(e) and 200 MW(e) reactors; foregoing reprocessing; sealing and ceasing activities at the Radiochemical Laboratory; and ceasing operation of the fuel fabrication plant.
4. The DPRK will not construct any new graphite-moderated reactors or related facilities.
5. The schedule of delivery of heavy oil to the DPRK in the first year after the date of the Agreed Framework will proceed as follows: within the first three months, 50,000 tons of heavy oil will be delivered, and an additional 100,000 tons of heavy oil will be delivered before the end of the one-year period. Thereafter, annual deliveries of 500,000 tons of heavy oil will be made for heating and electricity production.
6. When a significant portion of the LWR project is completed, as described in the Agreed Framework, the DPRK will come into full compliance with its safeguards agreement (INFCIRC/403), including permitting the IAEA access to additional sites and information the IAEA may deem necessary to verify the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

7. For purposes of this Minute and the Agreed Framework, "a significant portion of the LWR project" means the following:

- (1) conclusion of the contract for the LWR project;
- (2) completion of site preparation, excavation, and completion of facilities necessary to support construction of the project;
- (3) completion of initial plant design for the selected site;
- (4) specification and fabrication of major reactor components for the first LWR unit as provided for in project plans and schedules;
- (5) delivery of essential nonnuclear components for the first LWR unit, including turbines and generators, according to the project plans and schedules;
- (6) construction of the turbine buildings and other auxiliary buildings for the first LWR unit, to the stage provided for in project plans and schedules;
- (7) construction of the reactor building and containment structure for the first LWR unit to the point suitable for the introduction of components of the nuclear steam supply system; and
- (8) civil construction and fabrication and delivery of components for the second LWR unit according to project plans and schedules.

8. When the first LWR unit is completed, the DPRK will begin dismantling its frozen graphite-moderated reactors and related facilities, and such dismantlement will be completed when the second LWR unit is completed. Dismantlement of the DPRK's frozen graphite-moderated reactors and related facilities will mean their disassembly or destruction so that their components and equipment are no longer useful.

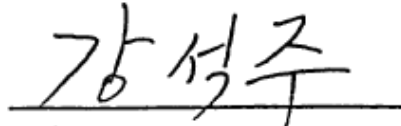
9. When delivery of the key nuclear components for the first LWR unit begins, the transfer of spent fuel from the DPRK for ultimate disposition will begin and will be completed when the first LWR unit is completed. Within the period required by technical and safety considerations, following discussions with the U.S., the DPRK will select and begin to implement a method of spent fuel storage that permits ultimate transfer.

10. For purposes of this Minute and the Agreed Framework, the term "key nuclear components" means components controlled under the Export Trigger List of the Nuclear Suppliers Group.



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